

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division In Admiralty
CIVIL ACTION NO. 2:24-cv-00490

- - - - -

In the Matter of COEYMANS MARINE TOWING, LLC d/b/a
CARVER MARINE TOWING as Owner and Operator of M/T
MACKENZIE ROSE, (IMO No. 8968765), her cargo,
engines, boilers, tackle, equipment, apparel, and
appurtenances, etc., IN REM, ("M/T MACKENZIE ROSE"),
petitioning for Exoneration from or Limitation of
Liability in allision with Norfolk and Portsmouth

Belt Line Railroad Company Main Line Railroad Bridge
(the "Bridge") occurring June 15, 2024 in and about
the Elizabeth River, Virginia.

- - - - -

TRANSCRIPT of the stenographic notes of the
videotaped deposition of Brian Moore in the
above-entitled matter, as taken by and before
LORRAINE B. ABATE, a Certified Shorthand Reporter and
Notary Public of the State of New York, and
Registered Professional Reporter, held at the offices
of Clyde & Co., 405 Lexington Avenue, New York, New
York, on April 28, 2025, commencing at 10:44 a.m.,
pursuant to Notice.

Job No. 112213

BRIAN MOORE**April 28, 2025**

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<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 CRENSHAW, WARE & MARTIN, PLC</p> <p>4 Attorneys for Norfolk and Portsmouth</p> <p>5 Belt Line Railroad Company</p> <p>6 150 West Main Street, Suite 1500</p> <p>7 Norfolk, Virginia 23510</p> <p>8 BY: JAMES L. CHAPMAN IV, ESQ.</p> <p>9 (757)623-3000</p> <p>10 jchapman@cwm-law.com</p> <p>11</p> <p>12 CLYDE & CO. ESQS.</p> <p>13 Attorneys for Coeymans Marine Towing,</p> <p>14 LLC, d/b/a Carver Marine Towing</p> <p>15 405 Lexington Avenue</p> <p>16 New York, New York 10174</p> <p>17 BY: JAMES RODGERS, ESQ.</p> <p>18 (212)702-6771</p> <p>19 james.rodgers@clydeco.us</p> <p>20</p> <p>21 A L S O P R E S E N T:</p> <p>22 Ingrid Contreras, Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 Brian Moore Mr. Chapman 8</p> <p>5 Mr. Rodgers 359</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 EXHIBIT PAGE</p> <p>9 Exhibit 1 Copy of Photo 69</p> <p>10 Exhibit 2 Copy of Photos 70</p> <p>11 Exhibit 3 9.5 Incident Report-Event 75</p> <p>12 Exhibit 4 Labelled Sections Produced by</p> <p>13 Carver Listing 93</p> <p>14 Exhibit 5 Crew Matrix of MACKENZIE ROSE 188</p> <p>15 Exhibit 6 Daily Logs June 12-16, 2024 189</p> <p>16 Exhibit 7 Log Entries 204</p> <p>17 Exhibit 8 Christopher Lee Miller</p> <p>18 Employment Records 205</p> <p>19 Exhibit 9 Handwritten and Typed Statements</p> <p>20 of Christopher Lee Miller 209</p> <p>21 Exhibit 10 Jarkeis Jamal Bass Morrissey</p> <p>22 Employment Records 214</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 A L S O P R E S E N T</p> <p>2 (VIA VIDEOCONFERENCE)</p> <p>3</p> <p>4 CRENSHAW, WARE & MARTIN, PLC</p> <p>5 Attorneys for Norfolk and Portsmouth</p> <p>6 Belt Line Railroad Company</p> <p>7 150 West Main Street, Suite 1500</p> <p>8 Norfolk, Virginia 23510</p> <p>9 BY: W. RYAN SNOW, ESQ.</p> <p>10 MACKENZIE PENNSYL, ESQ.</p> <p>11 SINNOT, NUCKOLS & LOGAN, P.C.</p> <p>12 Attorneys for Evanston Insurance</p> <p>13 Company, s/s/o Norfolk and Portsmouth</p> <p>14 Belt Line Railroad Company</p> <p>15 13811 Village Mill Drive</p> <p>16 Midlothian, Virginia 23114</p> <p>17 BY: MARK C. NANAVATI, ESQ.</p> <p>18 (804)893-3866</p> <p>19 mnanavati@snllaw.com</p> <p>20 CLYDE & CO. ESQS.</p> <p>21 Attorneys for Coeymans Marine Towing,</p> <p>22 LLC, d/b/a Carver Marine Towing</p> <p>23 One North Central Avenue, Suite 1030</p> <p>24 Phoenix, Arizona 8504</p> <p>25 BY: RACHEL WERNER, ESQ.</p> <p>(480)746-4569</p> <p>Rachel.werner@clydeco.us</p> <p>BUTLER WEIHMULLER KATZ CRAIG LLP</p> <p>Attorneys for Evanston Insurance Company</p> <p>s/s/o Norfolk and Portsmouth Belt Line</p> <p>Railroad Company</p> <p>11525 N. Community House Road, S. 300</p> <p>Charlotte, North Carolina 28277</p> <p>BY: ZACHARY M. JETT, ESQ.</p> <p>(704) 543-2321</p> <p>zjett@butler.legal</p> <p>MR. CANNON MOSS, Norfolk & Portsmouth</p> <p>Belt Line Railroad</p>	<p>1 E X H I B I T S</p> <p>2 EXHIBIT PAGE</p> <p>3 Exhibit 11 Handwritten and Typed</p> <p>4 Statements of</p> <p>5 Jarkeis Jamal Bass Morrissey 216</p> <p>6 Exhibit 12 Jason Thomas McGrath Employment</p> <p>7 Records 226</p> <p>8 Exhibit 13 Handwritten and Typed Statements</p> <p>9 of Jason Thomas McGrath 227</p> <p>10 Exhibit 14 Sharif Porter Employment Records 230</p> <p>11 Exhibit 15 Handwritten and Typed Statements</p> <p>12 of Sharif Porter 230</p> <p>13 Exhibit 16 James Morrissey's Employment Records 232</p> <p>14 Exhibit 17 Handwritten and Typed Statements</p> <p>15 Of Captain Morrissey 233</p> <p>16 Exhibit 18 Crew Hours Report 235</p> <p>17 Exhibit 19 CG-2692 Report 239</p> <p>18 Exhibit 20 Daily Engine Room Logs 257</p> <p>19 Exhibit 21 Helm Screenshot 261</p> <p>20 Exhibit 22 Handwritten Logs 263</p> <p>21 Exhibit 23 Handwritten Logs 265</p> <p>22 Exhibit 24 Ayers Marine Electronics Documents 271</p> <p>23 Exhibit 25 GMT Mackay Marine Invoices 276</p> <p>24 Exhibit 26 9.2 Near Miss Report 288</p> <p>25</p>

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1	E X H I B I T S		1	Moore - April 28, 2025	
2	EXHIBIT	PAGE	2	THE VIDEOGRAPHER: This is the beginning	
3	Exhibit 27 Daily Log	291	3	of Media No. 1 in the deposition of Brian Moore,	
4	Exhibit 28 9.2 Near Miss Report	297	4	in the master of Coeymans Marine d/b/a Carver	
5	Exhibit 29 Daily Log	300	5	Marine Towing Line, Case No. 2:24-cv-00490.	
6	Exhibit 30 9.2 Near Miss Report	302	6	Today's date is Monday, April 28, 2025,	
7	Exhibit 31 Daily Log	306	7	and the time in the monitor is 10:44 a.m.	
8	Exhibit 32 Training Records	308	8	My name is Ingrid Contreras, and I am	
9	Exhibit 33 Vessel Survey	316	9	the videographer. The court reporter is	
10	Exhibit 34 Voyage Plan	321	10	Lorraine Abate. We are here with Rosenberg and	
11	Exhibit 35 Master's Daily Report	327	11	Associate, Inc.	
12	Exhibit 36 Master's Daily Report	330	12	All appearances are noted on the record.	
13	Exhibit 37 Master's Daily Report Log	333	13	Now the court reporter will swear in the	
14	Exhibit 38 Certificate of Inspection	335	14	witness.	
15	Exhibit 39 Letter dated June 20, 2024	337	15	B R I A N M O O R E,	
16			16	Having been first duly sworn by a Notary	
17			17	Public of the State of New York, was	
18	* * * EXHIBITS RETAINED BY COUNSEL * * *		18	examined and testified as follows:	
19			19	EXAMINATION BY MR. CHAPMAN:	
20			20	Q. Good morning, Mr. Moore.	
21			21	A. Good morning.	
22			22	Q. My name is Jim Chapman. I represent the	
23			23	Norfolk and Portsmouth Belt Line Railroad, and we're	
24			24	here today to ask you some questions related to the	
25			25	lawsuit that is currently pending as the subject of	
Page 7			Page 9		
1	DIRECTIONS NOT TO ANSWER		1	Moore - April 28, 2025	
2	PAGE		2	the limitation action file by your company in the	
3	30		3	Eastern District of Virginia.	
4	163		4	I don't know -- have you ever been	
5	356		5	deposed before?	
6			6	A. No, I have not.	
7			7	Q. But just a couple of ground rules.	
8			8	A. Yep.	
9			9	Q. I'll do my best to ask questions that	
10			10	are clear, but if they're not, feel free to ask me	
11			11	for clarification and I'll endeavor to provide that.	
12			12	A. Okay.	
13			13	Q. It's good to maintain sort of good radio	
14			14	approach to this. Let me finish my question before	
15			15	you start answering, and I'll do my best to avoid	
16			16	interrupting you during your answer.	
17			17	A. Okay.	
18			18	Q. Is that okay?	
19			19	A. Very well.	
20			20	Q. Okay. Where do you currently live,	
21			21	Mr. Moore?	
22			22	A. I currently reside in Kingston, New	
23			23	York.	
24			24	Q. What is the street address there?	
25			25	A. 7 Fairview Avenue.	

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<p>1 Moore - April 28, 2025</p> <p>2 Q. And your date of birth?</p> <p>3 A. October 13th, 1982.</p> <p>4 Q. What's your current position with</p> <p>5 Carver?</p> <p>6 A. Current position is general manager.</p> <p>7 Q. So the company is known legally as -- I</p> <p>8 don't know how to pronounce it -- Coeysman?</p> <p>9 A. Coeymans Marine Towing.</p> <p>10 Q. Coeymans?</p> <p>11 A. Yeah, Coeymans.</p> <p>12 Q. Coeymans?</p> <p>13 A. Yep.</p> <p>14 Q. Okay. Thank you.</p> <p>15 Coeymans Marine Towing --</p> <p>16 A. Yeah.</p> <p>17 Q. -- LLC, but it trades as Carver Marine</p> <p>18 Towing, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. So when I refer to Carver, I'm</p> <p>21 talking about Carver Marine Towing. Is that -- can</p> <p>22 we --</p> <p>23 A. Yes.</p> <p>24 Q. -- agree to that?</p> <p>25 A. Yep.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. How long were you at Vane?</p> <p>3 A. Also approximately five years.</p> <p>4 Q. Do you start there as captain?</p> <p>5 A. I started out for a couple months as a</p> <p>6 mate, and then transitioned over to a captain.</p> <p>7 Q. Do you still hold a license?</p> <p>8 A. It's in Coast Guard holdup, what they</p> <p>9 put on -- what do they call it? When you don't sail</p> <p>10 out anymore, you're put into -- not purgatory, but --</p> <p>11 MR. RODGERS: Suspension?</p> <p>12 A. No. Contingency? Not contingency.</p> <p>13 Q. Inactive?</p> <p>14 A. Inactive, yea. I don't know -- there's</p> <p>15 a word for it the Coast Guard uses, but it's -- yes,</p> <p>16 it's inactive, but on like ready reserve.</p> <p>17 Q. When -- so what was the, I'll call it,</p> <p>18 the last expiration date of the license that's now</p> <p>19 inactive?</p> <p>20 A. Oh, approximately a year and a half ago.</p> <p>21 Q. And tell us what the license was.</p> <p>22 A. Sure. So I hold a 200-ton masters of</p> <p>23 New York Coastal with a master of towing and limited</p> <p>24 first class pilotage for the Hudson River in New York</p> <p>25 Harbor.</p>
Page 11	Page 13
<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. So -- I'm sorry. When did</p> <p>3 you say you started with Carver?</p> <p>4 A. December -- you didn't ask that one. So</p> <p>5 December of 2022.</p> <p>6 Q. And who did you work for before Carver?</p> <p>7 A. I worked for Centerline Logistics.</p> <p>8 Q. What did you do for them?</p> <p>9 A. I was the director of Atlantic</p> <p>10 operations.</p> <p>11 Q. So you said Atlantic operations?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And how long were you with Centerline?</p> <p>14 A. Approximately five years.</p> <p>15 Q. I want to take it back before that.</p> <p>16 A. Sure.</p> <p>17 Q. Who did you work for prior to</p> <p>18 Centerline?</p> <p>19 A. So I was a captain at Vane Brothers.</p> <p>20 Q. Vane Brothers is in the towing</p> <p>21 business --</p> <p>22 A. Yes, sir. Yep.</p> <p>23 Q. -- oil?</p> <p>24 A. Yep. Marine transportation for</p> <p>25 petroleum products.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Any other endorsements on it?</p> <p>3 A. Able bodied seaman, but other than that,</p> <p>4 I did have STCW basic safety training, but I never --</p> <p>5 didn't need to take the class anymore, so I wasn't</p> <p>6 shipping out international.</p> <p>7 Q. So just so everybody's clear, what does</p> <p>8 STWC stand for?</p> <p>9 A. The standards -- S -- standard training</p> <p>10 something watch keeping. So it's an international</p> <p>11 standard set by whomever.</p> <p>12 Q. Okay. It's an endorsement that you get</p> <p>13 on the license by virtue of training, correct?</p> <p>14 A. Correct. So basic safety training is</p> <p>15 the endorsement that falls under the STCW.</p> <p>16 Q. Who did you work for before Vane?</p> <p>17 A. I worked with the Hudson River Pilots</p> <p>18 for approx -- just shy of two years.</p> <p>19 Q. Is that like a harbor pilot position?</p> <p>20 A. Yeah, Hudson River pilot. Yep.</p> <p>21 Q. Guiding ships in --</p> <p>22 A. Yes, sir.</p> <p>23 Q. -- in and out, guiding ships in and out</p> <p>24 of the Hudson River?</p> <p>25 A. Yes, sir.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. How long was that?</p> <p>3 A. Just shy of two years.</p> <p>4 Q. Same license?</p> <p>5 A. Yes.</p> <p>6 Q. And before Hudson River Pilots, who did</p> <p>7 you work for?</p> <p>8 A. I worked for K-Sea Transportation.</p> <p>9 Q. And K-Sea is K-C --</p> <p>10 A. Hyphen.</p> <p>11 Q. -- K-C, the two letters, correct?</p> <p>12 A. So it's K-S-E-A.</p> <p>13 Q. S-E-A. I apologize.</p> <p>14 A. Yeah.</p> <p>15 Q. K-Sea. Doing what?</p> <p>16 A. Chief mate and harbor and ocean-going</p> <p>17 tug and barge.</p> <p>18 Q. When did you get your A/V ticket?</p> <p>19 A. Early 2000s. I don't recall.</p> <p>20 Q. Did you sail for anybody before K-Sea</p> <p>21 Transportation?</p> <p>22 A. Not in a professional mariner sense. I</p> <p>23 shipped out in Norway for three months as like a</p> <p>24 cadet observer, in '99 to 2000, and then before that,</p> <p>25 it was just small, recreational boat stuff, sea tow,</p>	<p style="text-align: right;">Page 16</p> <p>1 Moore - April 28, 2025</p> <p>2 three months. I was still in high school at the</p> <p>3 time. And I rode with them, observed them to kind of</p> <p>4 see if I wanted to do deep sea or tugs and barges.</p> <p>5 Q. Do you consider yourself more of a brown</p> <p>6 water guy --</p> <p>7 A. Yes.</p> <p>8 Q. -- than blue water?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Your position as general manager</p> <p>11 with Carver, is that a salaried or hourly position?</p> <p>12 A. It's salary.</p> <p>13 Q. Who hired you?</p> <p>14 A. Carver Laraway.</p> <p>15 Q. Is that Mr. Carver Laraway?</p> <p>16 A. Yeah, but it was by way of HR.</p> <p>17 Q. Can you tell us what the duties of your</p> <p>18 position as general manager --</p> <p>19 A. Sure.</p> <p>20 Q. -- of Carver are.</p> <p>21 MR. RODGERS: I'm sorry. At the time of</p> <p>22 the incident or now?</p> <p>23 Q. Why don't we start with now, and then</p> <p>24 I'll ask if they're different, you can tell me how</p> <p>25 they're different. Okay?</p>
<p style="text-align: right;">Page 15</p> <p>1 Moore - April 28, 2025</p> <p>2 when I was in high school.</p> <p>3 Q. So did you grow up in the United States?</p> <p>4 A. Yes.</p> <p>5 Q. It sounds like you went to a maritime</p> <p>6 academy over in Europe?</p> <p>7 A. I did not. No. I was -- I'm a</p> <p>8 Hawespiiper, so I started -- so on my 18th, my father</p> <p>9 took me down to the battery for the US Coast Guard</p> <p>10 Center, and I got my 100-ton license, I believe it</p> <p>11 was, and my ordinary seaman MMC, my Z card, and --</p> <p>12 that was October. And then by February, I started</p> <p>13 shipping out with K-Sea Transportation as an OS.</p> <p>14 Q. Did your father sail?</p> <p>15 A. He did not. My family in Norway sailed</p> <p>16 out --</p> <p>17 Q. Okay. And you --</p> <p>18 A. -- from my mother's side.</p> <p>19 Q. So you described yourself as being a</p> <p>20 cadet for three months or so?</p> <p>21 A. It's a -- more like -- it was a cadet</p> <p>22 observer. My -- sorry. My uncle was a chief</p> <p>23 engineer on board a European Norwegian-based ship.</p> <p>24 So I wasn't sure what I wanted to do in life as a 17,</p> <p>25 18-year-old kid, so they took me on for just shy of</p>	<p style="text-align: right;">Page 17</p> <p>1 Moore - April 28, 2025</p> <p>2 So just what are your duties now?</p> <p>3 A. Sure. I oversee the day-to-day</p> <p>4 operations of Carver Marine Towing, working with my</p> <p>5 team that I have here in place to ensure that the</p> <p>6 daily activities are done, that the regulations and</p> <p>7 policies are complied with, that customer and</p> <p>8 business development is grown, and then also working</p> <p>9 interdepartmentally with the other divisions from the</p> <p>10 ports to other stevedoring to ensure that</p> <p>11 everything's done safely and efficiently throughout</p> <p>12 day-to-day operations.</p> <p>13 Q. How many tugs does Carver Marine Towing</p> <p>14 operate?</p> <p>15 A. Eight of them are going to be US Coast</p> <p>16 Guard inspected, and then we have two small, we call</p> <p>17 them, fleeting tugs that are 26 feet or less. Those</p> <p>18 are just based in the port to help support moving</p> <p>19 barges around from one side of the dock to the other.</p> <p>20 Q. Kind of like push boats?</p> <p>21 A. Exactly.</p> <p>22 Q. Are the duties you have today different</p> <p>23 than the duties you had in June of 2024?</p> <p>24 A. It's still the same.</p> <p>25 Q. So I didn't hear you mention anything</p>

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<p style="text-align: right;">Page 18</p> <p>1 Moore - April 28, 2025</p> <p>2 about safety, and if you did, I apologize, but I</p> <p>3 didn't -- I don't think I heard that.</p> <p>4 Is that a responsibility that you have?</p> <p>5 A. Yes. Yep. So compliance. I</p> <p>6 incorporate that with compliance and safety.</p> <p>7 Q. All right. And how -- are there people</p> <p>8 at Carver Marine Towing that report directly to you?</p> <p>9 A. Yes.</p> <p>10 Q. Who are they, and what are their</p> <p>11 positions?</p> <p>12 A. In -- today or during the incident?</p> <p>13 Q. Let's focus on the incident that is back</p> <p>14 in June of 2024.</p> <p>15 A. Okay. So I had a port captain, Lenny</p> <p>16 Baldassare. I had a port engineer, Christian</p> <p>17 Nunnaman.</p> <p>18 Q. Can you spell that.</p> <p>19 A. N-U-N-N-A-M-A-N.</p> <p>20 Q. And it was Christian? Is it C-H-R-I?</p> <p>21 A. Yes.</p> <p>22 Q. I know that Mr. Baldassare isn't with</p> <p>23 the company anymore.</p> <p>24 A. Yeah.</p> <p>25 Q. Is -- I'm going to butcher the</p>	<p style="text-align: right;">Page 20</p> <p>1 Moore - April 28, 2025</p> <p>2 to you?</p> <p>3 A. We had a fairly new hire, Jason Galioto,</p> <p>4 G-A-L-I-O-T-O.</p> <p>5 Q. What was Mr. Galioto's position?</p> <p>6 A. During that time, it was -- I hired him</p> <p>7 as a dispatch -- I'm sorry, correction. A logistics</p> <p>8 coordinator trainee and vetting.</p> <p>9 Q. So he was responsible for, I'm sorry,</p> <p>10 training?</p> <p>11 A. No. So he -- a logistics coordinator</p> <p>12 training. So almost like a fill-in dispatcher that</p> <p>13 would receive phone calls and work with customers in</p> <p>14 dispatching tugs.</p> <p>15 Q. Did he have any other duties?</p> <p>16 A. I say vetting, but that was more of a</p> <p>17 Coast Guard regulatory compliance, ABS compliance.</p> <p>18 Q. Vetting of what?</p> <p>19 A. Vetting of the vessels, like the</p> <p>20 paperwork that's associated with it.</p> <p>21 Q. Just give me a for instance, what you</p> <p>22 mean by the paperwork.</p> <p>23 A. Well, he's advanced. I've groomed him</p> <p>24 into a different role now, but at the time, he was a</p> <p>25 fairly new hire. So I don't recall his hire date,</p>
<p style="text-align: right;">Page 19</p> <p>1 Moore - April 28, 2025</p> <p>2 pronunciation. The port engineer, Christian</p> <p>3 Nunnaman?</p> <p>4 A. Nunnaman.</p> <p>5 Q. Nunnaman, is he still with the company?</p> <p>6 A. Yes. He's in a different division right</p> <p>7 now, though.</p> <p>8 Q. He's no longer with Marine Towing --</p> <p>9 A. Yeah, correct. He's with the shipyard</p> <p>10 division.</p> <p>11 Q. Who else in June of 2024 reported to</p> <p>12 you?</p> <p>13 A. Had Thomas Feeney.</p> <p>14 Q. And what was his position?</p> <p>15 A. Operations and special projects manager.</p> <p>16 Q. Ed or Edward Thomasini?</p> <p>17 A. Say it again.</p> <p>18 Q. His name is Ed --</p> <p>19 A. Thomas.</p> <p>20 Q. Oh, I'm sorry.</p> <p>21 A. Yeah. First name is Thomas.</p> <p>22 Q. Thomas. I misspoke. I misunderstood</p> <p>23 that.</p> <p>24 A. Last name is Feeney, F-E-E-N-E-Y.</p> <p>25 Q. Any other people that directly reported</p>	<p style="text-align: right;">Page 21</p> <p>1 Moore - April 28, 2025</p> <p>2 but I would have to look at it. But he was mainly</p> <p>3 then concentrating on dispatch and learning that.</p> <p>4 Q. I'm just trying to understand when you</p> <p>5 say vetting of vessels, what paperwork would he be</p> <p>6 responsible for reviewing?</p> <p>7 A. It's -- so it's pretty much making sure</p> <p>8 that all our COIs are up to date, make sure the load</p> <p>9 line inspections are up to date; and we recently</p> <p>10 began a sire process, S-I-R-E, which is an inspection</p> <p>11 process for tugs to work in the oil and gas industry.</p> <p>12 Q. And that was his responsibility, at</p> <p>13 least when he was initially hired?</p> <p>14 A. It was part of it. It really wasn't his</p> <p>15 full responsibility.</p> <p>16 Q. Anybody else that directly reported to</p> <p>17 you in June of 2024?</p> <p>18 A. We had two dispatchers, logistics</p> <p>19 coordinators. One is Will Gedney, G-E-D-N-E-Y, and</p> <p>20 the other one was RJ Theevinet, T-H-E-E-V-I-N-E-T. I</p> <p>21 believe that's the spelling.</p> <p>22 Q. Anybody else?</p> <p>23 A. That is it.</p> <p>24 Q. Okay. So is the -- is Thomas Feeney</p> <p>25 still with the company?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. And you told us Jason Galioto has moved</p> <p>4 on to another role or another division?</p> <p>5 A. No. He's still with -- under my -- he's</p> <p>6 still under my org chart.</p> <p>7 Q. Okay. Does he have a different role?</p> <p>8 A. I believe his title is now marine safety</p> <p>9 and compliance.</p> <p>10 Q. When did he take on that role?</p> <p>11 A. I don't know, off the top of my head.</p> <p>12 Q. Sometime after the incident in June of</p> <p>13 2024 with the Belt Line Bridge?</p> <p>14 A. Correct.</p> <p>15 Q. Was there anybody that had a</p> <p>16 responsibility for marine safety and compliance that</p> <p>17 reported to you in June of 2024?</p> <p>18 A. There was no direct position for that.</p> <p>19 Q. Are both of the dispatchers still</p> <p>20 working for Carver?</p> <p>21 A. One is. William Gedney.</p> <p>22 Q. Okay. All right. Do you still have two</p> <p>23 dispatchers, though?</p> <p>24 A. We actually have two dispatchers now and</p> <p>25 a senior logistics coordinator that oversees them.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. I heard you say that one of your</p> <p>3 responsibilities is business development. Did I get</p> <p>4 that correct?</p> <p>5 A. Correct. Yep.</p> <p>6 Q. So kind of like a -- almost a sales role</p> <p>7 or --</p> <p>8 A. Right. Correction. Also, I had Dillon</p> <p>9 Galm also working underneath me at the time.</p> <p>10 Q. Okay.</p> <p>11 A. He's a business development manager for</p> <p>12 Carver Marine Towing, and some other divisions as</p> <p>13 well, too.</p> <p>14 MR. RODGERS: Sorry --</p> <p>15 Q. Dillon --</p> <p>16 MR. RODGERS: -- you're talking -- I'm</p> <p>17 sorry. Jim, are you talking about at the time?</p> <p>18 Is that the question?</p> <p>19 THE WITNESS: Correct.</p> <p>20 A. So he's still employed with us, but at</p> <p>21 the time, yeah, Dillon Galm also fell underneath me</p> <p>22 as well.</p> <p>23 Q. How do you spell his last name?</p> <p>24 A. G-A-L-M.</p> <p>25 Q. Does he still have that role?</p>
Page 23	Page 25
<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. And who is that?</p> <p>3 A. He's Kevin Twomey, T-W-O-M-E-Y.</p> <p>4 Q. Are you the manager of the limited</p> <p>5 liability company? Again, I'm going to butcher the</p> <p>6 name, Coeysman?</p> <p>7 A. That's close. It's Coeysman.</p> <p>8 Q. Coeysman?</p> <p>9 A. Yes. Carver Marine Towing, yeah.</p> <p>10 Q. Yeah.</p> <p>11 A. Coeysman Marine Towing, LLC.</p> <p>12 Q. Yes.</p> <p>13 A. Yes, I'm the general manager of that.</p> <p>14 Q. Okay. Do you know what the -- my</p> <p>15 question's a little bit different.</p> <p>16 Are you the manager? There's a distinct</p> <p>17 title for limited liability companies.</p> <p>18 A. Oh.</p> <p>19 Q. Are you the manager?</p> <p>20 A. No. No, sir.</p> <p>21 Q. Do you know who is?</p> <p>22 A. I do not know off the top of my head.</p> <p>23 Q. Do you know if there are any officers of</p> <p>24 Carver Marine Towing?</p> <p>25 A. I do not know.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. So do you consider yourself to have</p> <p>4 the -- what's generally called P&L responsibility for</p> <p>5 Carver Marine Towing?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And by that, I mean profit and</p> <p>8 loss responsibility.</p> <p>9 A. Yes, sir.</p> <p>10 Q. It sounds like it operates as a division</p> <p>11 of a bigger Carver entity or a Carver holding</p> <p>12 company; is that fair?</p> <p>13 A. Correct.</p> <p>14 Q. And so you have to be profitable to kind</p> <p>15 of report up to the holding company, right?</p> <p>16 A. Yep.</p> <p>17 Q. Okay. Who do you report to?</p> <p>18 A. I report to Nick Laraway.</p> <p>19 Q. And is he related to Carver Laraway?</p> <p>20 A. Yes. I believe he is a nephew.</p> <p>21 Q. Do you know what his position is? That</p> <p>22 is, do you know what Nick Laraway's position is?</p> <p>23 A. Chief operations officer.</p> <p>24 Q. And --</p> <p>25 MR. RODGERS: And again, is this then or</p>

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<p style="text-align: right;">Page 26</p> <p>1 Moore - April 28, 2025</p> <p>2 now? I just want it to be clear.</p> <p>3 MR. CHAPMAN: Fair question.</p> <p>4 Q. That's now, right?</p> <p>5 A. At the time it was chief operations</p> <p>6 officer, and I'd -- I would still say the same, yes.</p> <p>7 Q. Okay. And the gentleman you said hired</p> <p>8 you, Mr. Carver Laraway?</p> <p>9 A. I interviewed with Carver.</p> <p>10 Q. Okay. What was his position when you</p> <p>11 interviewed with him?</p> <p>12 A. CEO.</p> <p>13 Q. And his -- maybe it's his nephew, but</p> <p>14 Nick Laraway, who's the chief operating officer, is</p> <p>15 that for all of the Carver divisions?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Do the two of you communicate with</p> <p>18 e-mail?</p> <p>19 A. Yeah. E-mails, phone calls, in-persons.</p> <p>20 Q. And what is Nick Laraway's e-mail</p> <p>21 address?</p> <p>22 A. It's N, like November, Laraway,</p> <p>23 L-A-R-A-W-A-Y, @carvercompanies.com.</p> <p>24 Q. You said you also speak to him. Do you</p> <p>25 also text with him?</p>	<p style="text-align: right;">Page 28</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. 15 Pro?</p> <p>3 A. Yeah.</p> <p>4 Q. Besides Nick Laraway, is there anybody</p> <p>5 else that you report to in your role as general</p> <p>6 manager of Carver Marine Towing?</p> <p>7 A. No.</p> <p>8 Q. Can you approve payment of invoices?</p> <p>9 A. Yes.</p> <p>10 Q. Is there any limit to what you can</p> <p>11 approve? Do you have to get permission from anybody</p> <p>12 if it's above a certain amount?</p> <p>13 A. There are certain thresholds that</p> <p>14 they're put into place with higher limits, but at the</p> <p>15 time, it was -- during the incident, there was no</p> <p>16 limits.</p> <p>17 Q. Okay. Can you hire people to work for</p> <p>18 Carver Marine Towing?</p> <p>19 A. I can recommend, then that then goes</p> <p>20 through HR.</p> <p>21 Q. And is the HR function like part of the</p> <p>22 holding company of Carver or is it -- do you guys</p> <p>23 have your own kind of HR person at Carver Marine</p> <p>24 Towing?</p> <p>25 A. It would be part of the holding company.</p>
<p style="text-align: right;">Page 27</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Yeah.</p> <p>3 Q. Do you know what his cell phone number</p> <p>4 is?</p> <p>5 A. I don't, off the top of my head.</p> <p>6 Q. Do you guys use any other written</p> <p>7 messaging systems like Signal or WhatsApp or --</p> <p>8 A. No.</p> <p>9 Q. -- those?</p> <p>10 A. No.</p> <p>11 Q. So if you're texting with him, you're</p> <p>12 using the SMS system --</p> <p>13 A. Correct.</p> <p>14 Q. -- on your cell phone? Okay.</p> <p>15 Does the company provide you with a cell</p> <p>16 phone?</p> <p>17 A. It's my personal cell phone.</p> <p>18 Q. Do you still have the same cell phone</p> <p>19 from June of 2024 that you have today?</p> <p>20 A. No. It's been upgraded to different</p> <p>21 iPhones, just through the family plan.</p> <p>22 Q. So you have an iPhone?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know what model?</p> <p>25 A. It's 15 Pro.</p>	<p style="text-align: right;">Page 29</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. And the opposite end of that question,</p> <p>3 can you terminate people from Carver Marine Towing?</p> <p>4 A. By way of HR.</p> <p>5 Q. So if you wanted to hire somebody and</p> <p>6 said hire them, would they then hire that person?</p> <p>7 A. They would go through the process and</p> <p>8 then escalate it to the next level.</p> <p>9 Q. Have you ever been turned down on a hire</p> <p>10 that you've recommended?</p> <p>11 A. I don't recall.</p> <p>12 Q. Have you had to terminate anybody who</p> <p>13 worked for Carver Marine Towing?</p> <p>14 A. I have, yes.</p> <p>15 Q. And have you ever been turned down on a</p> <p>16 termination recommendation?</p> <p>17 A. No, sir.</p> <p>18 Q. Do you hold any other positions inside</p> <p>19 the Carver organization besides general manager of</p> <p>20 Carver Marine Towing?</p> <p>21 A. No, sir.</p> <p>22 Q. When did Mr. Baldassare leave Carver?</p> <p>23 A. I don't recall off the top of my head.</p> <p>24 Three months ago. That is an estimate.</p> <p>25 Q. Do you know why he left?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 (DIR)</p> <p>3 MR. RODGERS: Don't answer that. That</p> <p>4 is -- I'm directing the witness not to answer.</p> <p>5 And by way of counsel, you can put in a</p> <p>6 demand and we'll take it under advisement.</p> <p>7 Concerned about employment law here and also</p> <p>8 potential agreements that may have been signed,</p> <p>9 for Mr. Baldassare's sake.</p> <p>10 MR. CHAPMAN: I'm not understanding what</p> <p>11 you're saying.</p> <p>12 MR. RODGERS: Well, I'm just putting</p> <p>13 that on the record.</p> <p>14 MR. CHAPMAN: Is there a privilege in</p> <p>15 play?</p> <p>16 MR. RODGERS: I'm directing him not to</p> <p>17 answer.</p> <p>18 MR. CHAPMAN: Okay. But is there a</p> <p>19 privilege that you're standing on?</p> <p>20 MR. RODGERS: There's federal law that's</p> <p>21 involved with HR --</p> <p>22 MR. CHAPMAN: It's --</p> <p>23 MR. RODGERS: -- in any termination.</p> <p>24 MR. CHAPMAN: So under Rule 32, you can</p> <p>25 direct a witness not to answer if it is based on</p>	<p>1 Moore - April 28, 2025</p> <p>2 tomorrow morning for deposition.</p> <p>3 MR. CHAPMAN: Yeah.</p> <p>4 I think I'm entitled to test this</p> <p>5 witness' knowledge, though.</p> <p>6 MR. RODGERS: No, no. You are. I'm</p> <p>7 just putting that on the record for the lone</p> <p>8 reader out there who's reading this one day.</p> <p>9 Q. When was the last time you communicated</p> <p>10 with Mr. Baldassare?</p> <p>11 A. I wished him a happy birthday.</p> <p>12 Q. And that was?</p> <p>13 A. That was actually yesterday.</p> <p>14 Q. Did you text him happy birthday or did</p> <p>15 you call him and tell him happy birthday?</p> <p>16 A. I texted him happy birthday.</p> <p>17 But other than that, before that, it</p> <p>18 was -- we haven't spoken prior to him leaving.</p> <p>19 Q. So you --</p> <p>20 A. I'm sorry, correction. I didn't speak</p> <p>21 to him post leaving.</p> <p>22 Q. Okay. So between whenever he left three</p> <p>23 months ago and your text to him yesterday about happy</p> <p>24 birthday -- wishing him a happy birthday, there's</p> <p>25 been no communication between the two of you?</p>
Page 31	Page 33
<p>1 Moore - April 28, 2025</p> <p>2 the preservation of --</p> <p>3 MR. RODGERS: Don't -- Jim, don't</p> <p>4 lecture me. I'm telling him not to answer.</p> <p>5 That's what I'm telling him not to answer.</p> <p>6 Okay?</p> <p>7 Q. And just to be clear, are you going to</p> <p>8 follow Mr. Rodgers' direction not to answer --</p> <p>9 MR. RODGERS: Yes.</p> <p>10 Q. -- that question?</p> <p>11 MR. RODGERS: Yes, he is.</p> <p>12 A. Yes.</p> <p>13 Q. Do you know whether Mr. Baldassare was</p> <p>14 terminated from Carver?</p> <p>15 A. I do not know.</p> <p>16 Q. Do you know whether he was asked to</p> <p>17 resign from Carver?</p> <p>18 A. I do not know.</p> <p>19 Q. Do you know where he's working now?</p> <p>20 A. I believe he's working for H&L.</p> <p>21 Q. What is H&L?</p> <p>22 A. A small marine towing company in --</p> <p>23 based in Long Island, in dredging.</p> <p>24 MR. RODGERS: And just for the record,</p> <p>25 Jim, as you know, Mr. Baldassare is coming in</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. And I just want to be clear. That's --</p> <p>4 you mentioned a text, but you haven't spoken to him</p> <p>5 either, correct?</p> <p>6 A. No, sir.</p> <p>7 Q. Or e-mailed with him?</p> <p>8 A. No.</p> <p>9 Q. Did you provide a reference for him when</p> <p>10 he left the company?</p> <p>11 A. No. He did not request it.</p> <p>12 Q. Do you know if the company provided a</p> <p>13 reference for him?</p> <p>14 A. I do not know.</p> <p>15 Q. Do you know if he is in a do not hire</p> <p>16 classification since leaving Carver?</p> <p>17 MR. RODGERS: I didn't hear that, Jim.</p> <p>18 MR. CHAPMAN: I asked do you know if he</p> <p>19 is in a do not hire classification since he left</p> <p>20 Carver.</p> <p>21 A. I do not know.</p> <p>22 Q. Who is the person that heads HR for the</p> <p>23 Carver companies?</p> <p>24 A. At the time of the incident or today?</p> <p>25 Q. Today.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Samantha Galliazano [sic]. I need to</p> <p>3 reference the -- how to spell her last name.</p> <p>4 G-A-L-L-I-Z-O.</p> <p>5 Q. G-A-L-L-I-D-O?</p> <p>6 A. Z-O.</p> <p>7 Q. Z-O. Galliazo?</p> <p>8 A. Not correct, but it's close.</p> <p>9 Q. Okay. And was there a different person</p> <p>10 there in June of 2024?</p> <p>11 A. Yes.</p> <p>12 Q. Who?</p> <p>13 A. Tom Biden.</p> <p>14 Q. Can you spell his last --</p> <p>15 A. I'm sorry, correction. Tom Marron,</p> <p>16 M-A-R-R-O-N.</p> <p>17 Q. Does Mr. Marron still have a position</p> <p>18 within the Carver organization?</p> <p>19 A. He does not.</p> <p>20 Q. There's three other people in particular</p> <p>21 I want to ask you some similar questions about that</p> <p>22 were all assigned to the tug, MACKENZIE ROSE, on</p> <p>23 June 15th of 2024 when the incident happened.</p> <p>24 That's Captain Miller, Captain</p> <p>25 Morrissey, and the engineer, McGrath.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Was he ever terminated from employment</p> <p>3 by Carver?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you know if he was ever asked to</p> <p>6 resign?</p> <p>7 A. No.</p> <p>8 MR. RODGERS: I'm going to, again,</p> <p>9 direct him not to answer on --</p> <p>10 MR. CHAPMAN: About Miller?</p> <p>11 MR. RODGERS: Yeah, but Miller wasn't</p> <p>12 terminated. He just testified that he was on</p> <p>13 leave, and then he passed away, which we just</p> <p>14 found out as well.</p> <p>15 Q. So let me move on to Captain Morrissey.</p> <p>16 A. Okay.</p> <p>17 Q. When did Captain Morrissey leave the</p> <p>18 employment of Carver?</p> <p>19 A. Shortly after the incident, he was</p> <p>20 placed on paid suspension pending an investigation.</p> <p>21 Q. So he completed the voyage with the</p> <p>22 barge up to wherever its destination was, and then he</p> <p>23 went on admin leave?</p> <p>24 A. Correct.</p> <p>25 Q. Okay. And did he ever come off admin</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. Okay.</p> <p>3 Q. Okay. They're all gone from Carver</p> <p>4 Marine Towing now?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Do you know when Miller left</p> <p>7 Carver?</p> <p>8 A. I would have to reference it, but it was</p> <p>9 close to October or November of 2024. He didn't</p> <p>10 leave Carver then. He was -- the -- his vessel was</p> <p>11 going into shipyard, so we didn't have an extra spot</p> <p>12 for him, so he was just off for an extended period of</p> <p>13 time. And come to find out on Friday, I heard that</p> <p>14 he passed away.</p> <p>15 Q. So Captain Miller passed away?</p> <p>16 A. In the end of March.</p> <p>17 He was working with HR for some</p> <p>18 long-term disability that I didn't really have</p> <p>19 reference to or idea abouts, but I just heard --</p> <p>20 discovered that on Friday.</p> <p>21 Q. But he did not work for the company</p> <p>22 since about October or November of 2024?</p> <p>23 A. I would have to reference. He might</p> <p>24 have filled in some days here and there, but I don't</p> <p>25 recall.</p>	<p>1 Moore - April 28, 2025</p> <p>2 leave?</p> <p>3 A. I -- he never came -- he never went back</p> <p>4 to sea after that incident with us. I don't know if</p> <p>5 he was officially termed or what his role was,</p> <p>6 because he also shipped out somewhere else for a</p> <p>7 different company.</p> <p>8 Q. And what company was that?</p> <p>9 A. I don't recall off the top of my head.</p> <p>10 It's a small petroleum products carrying company in</p> <p>11 New York Harbor.</p> <p>12 Q. And where is it located?</p> <p>13 A. Staten Island, New Jersey, either one.</p> <p>14 I don't know. I would have to --</p> <p>15 Q. What is your -- I'm just asking based on</p> <p>16 your memory, okay?</p> <p>17 A. Yeah.</p> <p>18 Q. But I'm just asking your memory.</p> <p>19 How soon did that happen after the</p> <p>20 incident in June of 2024 involving the bridge?</p> <p>21 A. Within three months?</p> <p>22 Q. And do you know whether he was</p> <p>23 terminated?</p> <p>24 A. I don't know officially.</p> <p>25 Q. Do you know whether he was asked to</p>

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<p style="text-align: right;">Page 38</p> <p>1 Moore - April 28, 2025</p> <p>2 resign?</p> <p>3 A. That, I don't know.</p> <p>4 Q. Who would know?</p> <p>5 A. HR.</p> <p>6 Q. And by then, had Samantha Gallizo</p> <p>7 arrived in a new role or was that still Mr. Marron?</p> <p>8 A. It's to be -- it still would have been</p> <p>9 Mr. Marron.</p> <p>10 Q. Okay. How many people, to your</p> <p>11 knowledge, work in that HR function for the Carver</p> <p>12 organization?</p> <p>13 A. Three to four.</p> <p>14 MR. RODGERS: Just for the record, Jim,</p> <p>15 are you treating him as a 30(b)(6) witness?</p> <p>16 Because he hasn't been designated.</p> <p>17 MR. CHAPMAN: Well, no, I understand</p> <p>18 that, and we may take a 30(b)(6), but I'm</p> <p>19 just -- to me he sounds like a --</p> <p>20 MR. RODGERS: His general -- you're</p> <p>21 asking his general knowledge.</p> <p>22 MR. CHAPMAN: To me, he sounds like a</p> <p>23 managing agent, at least for Carver Marine</p> <p>24 Towing, but I don't know whether that's a --</p> <p>25 MR. RODGERS: Well, he's an employee.</p>	<p style="text-align: right;">Page 40</p> <p>1 Moore - April 28, 2025</p> <p>2 Mr. Miller -- Captain Miller and Captain Morrissey,</p> <p>3 right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you know where McGrath is working</p> <p>6 now?</p> <p>7 A. I do not.</p> <p>8 Q. Did you communicate with Captain Miller</p> <p>9 at all between when he left in October/November 2024</p> <p>10 and when he passed away?</p> <p>11 A. I did not.</p> <p>12 Q. What about Captain Morrissey?</p> <p>13 A. I did not.</p> <p>14 Q. From the time he went on admin leave</p> <p>15 until he was gone, whenever that happened, did you</p> <p>16 communicate with him?</p> <p>17 A. I did not.</p> <p>18 Q. Same question about Engineer McGrath.</p> <p>19 Between whenever he left, which you don't know, and</p> <p>20 now, have you communicated with him?</p> <p>21 A. I did not.</p> <p>22 Q. Do you know who was responsible for</p> <p>23 hiring Captain Morrissey to work for Carver Marine</p> <p>24 Towing?</p> <p>25 A. It would have been through HR.</p>
<p style="text-align: right;">Page 39</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: Well, yeah. Agree on or</p> <p>3 not.</p> <p>4 MR. RODGERS: But, I mean, you're just</p> <p>5 asking him his knowledge in this case?</p> <p>6 MR. CHAPMAN: Yes. I'm -- and I'm</p> <p>7 trying to figure out whether there's anybody</p> <p>8 else that we're going to need to depose along</p> <p>9 the way, okay? So...</p> <p>10 Q. And I got the same questions about</p> <p>11 McGrath.</p> <p>12 A. Okay.</p> <p>13 Q. When did he leave Carver?</p> <p>14 A. I honestly don't know, off the top of my</p> <p>15 head. He was -- his license was due to expire before</p> <p>16 he was coming back to the vessel, so we pretty much</p> <p>17 put -- told him that he couldn't come back to the</p> <p>18 vessel until his license was updated; and I forgot</p> <p>19 how many months past that -- without his license</p> <p>20 being updated that HR would have like simply -- I</p> <p>21 don't know, if he -- let him go or whatever it is,</p> <p>22 but he never returned after that.</p> <p>23 Q. The company has replaced him --</p> <p>24 A. Yes, sir.</p> <p>25 Q. -- presumably, just like it's replaced</p>	<p style="text-align: right;">Page 41</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Is that because he would have been</p> <p>3 recommended as a hire by somebody in the towing</p> <p>4 company?</p> <p>5 A. No, not necessarily. He could also</p> <p>6 apply for the position.</p> <p>7 Q. Okay. So do you know how he became an</p> <p>8 employee of Carver Marine Towing?</p> <p>9 A. I don't.</p> <p>10 Q. Was he hired when Mr. Marron was head of</p> <p>11 HR?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Do you know whether he had ever worked</p> <p>14 for Carver Marine Towing before he was hired?</p> <p>15 A. I don't know.</p> <p>16 Q. What process is involved in evaluating</p> <p>17 the competence of a Coast Guard licensed personnel</p> <p>18 when you -- they're under consideration to be hired</p> <p>19 by the company?</p> <p>20 MR. RODGERS: To his knowledge?</p> <p>21 MR. CHAPMAN: Yeah.</p> <p>22 MR. RODGERS: Just what you know.</p> <p>23 A. Okay. So they would apply online or</p> <p>24 they would have to submit a resumé, or if they didn't</p> <p>25 have a resumé, they would -- HR would then talk to</p>

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<p>1 Moore - April 28, 2025</p> <p>2 them about their previous history, go through the</p> <p>3 motions of that, then advance him to one of the other</p> <p>4 port captains or senior captains to interview him as</p> <p>5 well to understand a better understanding of what</p> <p>6 he's done in the past.</p> <p>7 And then once they say yes, we would</p> <p>8 like to -- take him on to HR. HR then would process</p> <p>9 him through a background check, process online. I</p> <p>10 don't know exactly what it is, but they would run</p> <p>11 through the background check to make sure he had any</p> <p>12 outstanding histories or, you know, an outstanding --</p> <p>13 upstanding character.</p> <p>14 They would cross-reference his merchant</p> <p>15 mariner's reference number to the US Coast Guard home</p> <p>16 port reference, where they would look up to make sure</p> <p>17 his license is still active, valid, he has the</p> <p>18 appropriate tonnage for what he's doing, and then</p> <p>19 take that from there.</p> <p>20 Q. Would they check his S&R history?</p> <p>21 A. I don't know what S&R is.</p> <p>22 Q. Suspension and revocation history.</p> <p>23 A. Through the Coast Guard?</p> <p>24 Q. Yeah.</p> <p>25 A. I don't know.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. Who was the port captain before</p> <p>4 Mr. Baldassare?</p> <p>5 A. I don't know. That would have been</p> <p>6 before my time.</p> <p>7 Q. Mr. Baldassare came to work at Carver</p> <p>8 about the same time you did, then?</p> <p>9 A. I would have to look again, but six to</p> <p>10 eight months later.</p> <p>11 Q. Okay. So was there a port captain when</p> <p>12 you started working for Carver?</p> <p>13 A. There was a senior captain.</p> <p>14 Q. Was that Pearson?</p> <p>15 A. Yes, sir.</p> <p>16 Q. So the role that Mr. Baldassare took on</p> <p>17 was new as a port captain for Carver Marine?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Do you know whether Captain</p> <p>20 Morrissey had been assigned to work in any other</p> <p>21 vessels besides the MACKENZIE ROSE?</p> <p>22 A. I would have to look. I don't know if</p> <p>23 he filled in on any other vessels or not, but his</p> <p>24 primary vessel was the MACKENZIE ROSE.</p> <p>25 Q. When you say you would have to look, is</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. You said he would be interviewed</p> <p>3 by you -- the port captain or one of the --</p> <p>4 A. Senior captains.</p> <p>5 Q. Senior captains.</p> <p>6 And that's a senior captain who's</p> <p>7 assigned to one of the tugs?</p> <p>8 A. No. It's -- one of our senior captains</p> <p>9 would be Mark Pearson, who has been here since</p> <p>10 2000 -- since Carver Marine Towing started.</p> <p>11 Q. Does he not sail?</p> <p>12 A. He will fill in when needed.</p> <p>13 Q. So he still has a license?</p> <p>14 A. Yes, sir.</p> <p>15 Q. What was his name again?</p> <p>16 A. Mark Pearson, P-E-A-R-S-O-N.</p> <p>17 Q. He was there when you joined Carver?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Are there any other senior captains that</p> <p>20 could have interviewed Mr. -- Captain Morrissey?</p> <p>21 A. He'd be the only one.</p> <p>22 Q. You also mentioned that the port captain</p> <p>23 could have interviewed him?</p> <p>24 A. Yeah, which would have been Lenny.</p> <p>25 Q. All right. Mr. Baldassare?</p>	<p>1 Moore - April 28, 2025</p> <p>2 there some system or database that would allow you to</p> <p>3 determine relatively quickly what other vessels he</p> <p>4 served on?</p> <p>5 A. Payroll would have to pull his time to</p> <p>6 see what vessel he was assigned to.</p> <p>7 Q. What did you do to prepare to testify</p> <p>8 today?</p> <p>9 A. In what regard?</p> <p>10 Q. Well, you knew you were going to be</p> <p>11 deposed today, right?</p> <p>12 A. Well, yes.</p> <p>13 Q. Is that --</p> <p>14 A. Yeah. I just needed to show up today,</p> <p>15 yes.</p> <p>16 Q. Right. I'm just asking what you did to</p> <p>17 prepare.</p> <p>18 MR. RODGERS: Well --</p> <p>19 Q. Just so I'm clear, I'm not interested in</p> <p>20 whatever you and Mr. Rodgers may have discussed. I</p> <p>21 don't know whether you even discussed anything with</p> <p>22 him. I'm only trying to find out from your</p> <p>23 perspective what you did to prepare.</p> <p>24 A. Honestly, nothing out of the ordinary to</p> <p>25 prepare for this.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. Didn't review any documents?</p> <p>3 A. Only --</p> <p>4 MR. RODGERS: Other than with counsel.</p> <p>5 A. Only with -- with counsel.</p> <p>6 MR. RODGERS: Wait, wait, wait.</p> <p>7 MR. CHAPMAN: And that's fair.</p> <p>8 MR. RODGERS: Hold on.</p> <p>9 MR. CHAPMAN: That's fair.</p> <p>10 MR. RODGERS: I'm sorry. Sorry.</p> <p>11 MR. CHAPMAN: If he only looked at them</p> <p>12 with you, that's fine.</p> <p>13 MR. RODGERS: Yeah, okay.</p> <p>14 MR. CHAPMAN: That's his answer. Okay.</p> <p>15 Q. Did you talk to anyone besides</p> <p>16 Mr. Rodgers to prepare for the deposition today?</p> <p>17 A. No.</p> <p>18 Q. Did you text with anyone to help prepare</p> <p>19 for the deposition today?</p> <p>20 A. I did not.</p> <p>21 Q. Did you e-mail with anyone to help</p> <p>22 prepare yourself for the deposition today?</p> <p>23 A. I did not.</p> <p>24 Q. Couple of questions just -- this -- kind</p> <p>25 of go to what's called competence, but did you sleep</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And you've not given testimony in</p> <p>4 any other matters?</p> <p>5 A. No, sir.</p> <p>6 Q. Okay. And you've -- I think you -- I</p> <p>7 think you said maybe -- I don't know if you said this</p> <p>8 on the record, but you've never been deposed before?</p> <p>9 You've never been through this experience of --</p> <p>10 A. No. No, sir, I have not. Not for this.</p> <p>11 Q. Okay.</p> <p>12 MR. RODGERS: Well, I think he's asking</p> <p>13 at any time, not just this case.</p> <p>14 THE WITNESS: Well, yes. So the injury</p> <p>15 from the other employer, there was a previous</p> <p>16 jury case that I was there. So that was a</p> <p>17 deposition based in New Jersey that I did for</p> <p>18 it, where I was with -- for Centerline</p> <p>19 Logistics.</p> <p>20 Q. But other than that, you've never been</p> <p>21 deposed before?</p> <p>22 A. No, absolutely not.</p> <p>23 Q. All right. Thank you for that</p> <p>24 clarification.</p> <p>25 Do you understand the term allision? Do</p>
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<p>1 Moore - April 28, 2025</p> <p>2 okay last night?</p> <p>3 A. I did.</p> <p>4 Q. Okay. And are you taking any</p> <p>5 medications or substances that would impair your</p> <p>6 ability to understand my questions and provide</p> <p>7 truthful answers?</p> <p>8 A. I do not take.</p> <p>9 Q. Have you ever testified before?</p> <p>10 A. I have worked for some depositions on</p> <p>11 behalf of the -- in support of the US -- United</p> <p>12 States Coast Guard, and also for another injury claim</p> <p>13 prior to my arrival at the other company, but never</p> <p>14 on my own behalf, I guess I would say.</p> <p>15 Q. Okay. Just so I'm clear, are you</p> <p>16 referencing testimony that you provided in the Coast</p> <p>17 Guard hearing into this incident?</p> <p>18 A. No. It was for a different incident</p> <p>19 from four years ago, five years ago.</p> <p>20 Q. And that was also a Coast Guard</p> <p>21 investigation?</p> <p>22 A. Yes, but not through us. It was for a</p> <p>23 school that had some suspicious endorsements issued</p> <p>24 out down in Virginia, I believe it was.</p> <p>25 Q. That was a prior employer?</p>	<p>1 Moore - April 28, 2025</p> <p>2 you know what an allision is?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Tell us your understanding of the</p> <p>5 meaning of the word allision.</p> <p>6 MR. RODGERS: Just -- just -- so you're</p> <p>7 not asking him the legal term of art?</p> <p>8 MR. CHAPMAN: No. I'm just asking him</p> <p>9 what -- like what does he think an allision is.</p> <p>10 It's not a trick question. Okay?</p> <p>11 A. You're talking about -- yeah. My</p> <p>12 understanding of allision is a vessel making contact</p> <p>13 with a non-moveable object.</p> <p>14 Q. A fixed object?</p> <p>15 A. Fixed objects, yeah.</p> <p>16 Q. All right. So tell us how you first</p> <p>17 learned about the MACKENZIE ROSE alliding with the</p> <p>18 Belt Line Bridge.</p> <p>19 A. The first initial call came through</p> <p>20 after -- Lenny called me on the weekend. He received</p> <p>21 the calls through the boat's, the MACKENZIE ROSE, and</p> <p>22 from what he spoke to me about it is that they</p> <p>23 made -- they made contact with the fendering of the</p> <p>24 bridge.</p> <p>25 Q. That's what Mr. Baldassare told you?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, I believe so.</p> <p>3 Q. What were you doing at the time he</p> <p>4 called you?</p> <p>5 A. I was working in my backyard just doing</p> <p>6 chores at home.</p> <p>7 Q. So middle of the summer. Were you like</p> <p>8 mowing the grass or --</p> <p>9 A. Yeah. I -- I don't remember exactly</p> <p>10 what it was. Probably just cleaning up the yard,</p> <p>11 just -- didn't have my phone directly in my pocket,</p> <p>12 and then it wasn't until I went back inside and</p> <p>13 picked it up.</p> <p>14 Q. So he had left a message to call or</p> <p>15 what --</p> <p>16 A. He -- I believe he called twice. I</p> <p>17 don't remember exactly what it was, but usually on</p> <p>18 weekends when somebody calls from the team, I always</p> <p>19 call them right back.</p> <p>20 Q. So did he leave a message on your phone?</p> <p>21 A. I don't recall that.</p> <p>22 Q. What time do you recall calling him</p> <p>23 back?</p> <p>24 A. Mid-afternoon. I don't remember.</p> <p>25 Q. And he told you that the crew of the</p>	<p>1 Moore - April 28, 2025</p> <p>2 information? I'm just trying to unpack that.</p> <p>3 A. It was more of a find out what happened.</p> <p>4 You know, I think I requested them get photos, see</p> <p>5 what happened.</p> <p>6 It -- when you receive that kind of</p> <p>7 phone call, it's initially gather all the facts you</p> <p>8 can, what happened, is everything okay, and then take</p> <p>9 it step by step after that.</p> <p>10 Q. Okay. So did you have more than one</p> <p>11 conversation with Mr. Baldassare?</p> <p>12 A. Throughout the day? Yes.</p> <p>13 Q. Do you recall how many?</p> <p>14 A. No, I do not.</p> <p>15 Q. More than two?</p> <p>16 A. I don't know.</p> <p>17 Q. So it sounds like you told him to get</p> <p>18 some photos and find out more.</p> <p>19 What did you specifically want to know?</p> <p>20 A. How much damage there was to everything,</p> <p>21 either it -- let it be the bridge fendering or the</p> <p>22 barge, or whatever it may have happened.</p> <p>23 Q. Did you ever learn which part of the</p> <p>24 bridge was actually contacted that afternoon on</p> <p>25 June 15th --</p>
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<p>1 Moore - April 28, 2025</p> <p>2 tug -- somebody in the crew of the tug had reported</p> <p>3 that they had contacted the fendering system of the</p> <p>4 bridge?</p> <p>5 MR. RODGERS: Objection to form.</p> <p>6 You can answer.</p> <p>7 Do you understand his question?</p> <p>8 Q. If I -- just so I'm clear, if I'm --</p> <p>9 A. Yeah. They --</p> <p>10 MR. RODGERS: Just hold off.</p> <p>11 Q. I just want to respond to his objection.</p> <p>12 If I've misstated what you said</p> <p>13 previously, then feel free to correct me. I thought</p> <p>14 that's what you said.</p> <p>15 A. Sure. Can you repeat the question,</p> <p>16 then.</p> <p>17 Q. Yeah. When you spoke to Mr. Baldassare,</p> <p>18 he told you that someone in the crew of the tug had</p> <p>19 reported that they had contacted the fendering system</p> <p>20 of the Belt Line Bridge; is that right?</p> <p>21 A. Yes. He didn't mention a name, he just</p> <p>22 said the MACKENZIE ROSE, as a general.</p> <p>23 Q. And did you have any conversation with</p> <p>24 him about that, any discussion, any -- like here's</p> <p>25 what we need to do next, or can you get some more</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. No, sir.</p> <p>3 Q. -- 2024?</p> <p>4 A. No.</p> <p>5 Q. Did you ever have any understanding that</p> <p>6 the part of the bridge that had been contacted was</p> <p>7 not the fender system --</p> <p>8 A. It wasn't --</p> <p>9 Q. -- that afternoon?</p> <p>10 MR. RODGERS: Wait. Hold on.</p> <p>11 Could you just repeat that. I --</p> <p>12 MR. CHAPMAN: Yeah.</p> <p>13 Q. I said did you ever have any</p> <p>14 understanding that the part of the bridge that the</p> <p>15 tug and barge contacted was not the fendering system?</p> <p>16 MR. RODGERS: On that day?</p> <p>17 MR. CHAPMAN: On that day. Yeah, on</p> <p>18 that day.</p> <p>19 A. I did not.</p> <p>20 Q. Did you learn later --</p> <p>21 A. Yes.</p> <p>22 Q. -- that it was not the fendering system?</p> <p>23 A. Not that day, but yes, later.</p> <p>24 Q. Okay. I'll get to that in a minute, but</p> <p>25 I'm just trying to understand what you knew --</p>

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<p style="text-align: right;">Page 54</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. -- that day.</p> <p>4 I'm just trying to understand what you</p> <p>5 knew that day.</p> <p>6 We're not doing really good at the radio</p> <p>7 discipline thing.</p> <p>8 A. I'll have to hold it like an actual</p> <p>9 mike, then.</p> <p>10 MR. RODGERS: That's off the record.</p> <p>11 It's up to Mr. Chapman.</p> <p>12 MR. CHAPMAN: Well, it's going to be on</p> <p>13 the video record, so it might as well be on</p> <p>14 the transcript, too.</p> <p>15 MR. RODGERS: All right.</p> <p>16 Q. So there was at least one other</p> <p>17 conversation you had with Mr. Baldassare that</p> <p>18 afternoon --</p> <p>19 A. Yes.</p> <p>20 Q. -- right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Did you ever talk to anybody that was a</p> <p>23 member of the crew of the tug that afternoon?</p> <p>24 A. No.</p> <p>25 Q. So did Mr. Baldassare call you back,</p>	<p style="text-align: right;">Page 56</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Okay.</p> <p>3 MR. CHAPMAN: Or the -- or from the tug</p> <p>4 as it passed by the bridge opening -- passed</p> <p>5 through the bridge opening.</p> <p>6 THE WITNESS: That is the photo, yes.</p> <p>7 Q. All right. So you've seen a photo that</p> <p>8 you can see the fendering system, and you can see the</p> <p>9 bridge going out to the west, right?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And when did you first see that</p> <p>12 photo?</p> <p>13 A. I don't recall exactly.</p> <p>14 Q. Was it on your phone?</p> <p>15 A. My phone or Lenny's phone or e-mailed</p> <p>16 from the boat phone. I would have to look it up.</p> <p>17 Q. So if you received it electronically,</p> <p>18 there would be some kind of electronic record of</p> <p>19 receipt --</p> <p>20 A. Correct.</p> <p>21 Q. -- or being sent, correct?</p> <p>22 A. Yes.</p> <p>23 Q. Does the boat, the MACKENZIE ROSE, have</p> <p>24 its own designated phone?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 Moore - April 28, 2025</p> <p>2 then, for that second call?</p> <p>3 A. Yes.</p> <p>4 Q. And what did you learn at that time?</p> <p>5 A. I believe it was when -- after the fact</p> <p>6 that they went to the anchorage to break free from</p> <p>7 the barge, and then make turns of the entire barge to</p> <p>8 check for any damage as well.</p> <p>9 Q. Did you ever receive a photograph or</p> <p>10 photographs of the bridge that afternoon?</p> <p>11 A. I don't recall if it was that afternoon,</p> <p>12 besides the one wheelhouse photo that they took</p> <p>13 looking directly at beam of it.</p> <p>14 Q. Okay. And you received that photo that</p> <p>15 afternoon?</p> <p>16 A. I don't recall.</p> <p>17 Q. Where is that photo today, if you know?</p> <p>18 A. I don't know.</p> <p>19 Q. Who sent it to you?</p> <p>20 A. I don't remember.</p> <p>21 MR. RODGERS: Just by Counsel, I'm not</p> <p>22 sure what the photo is.</p> <p>23 MR. CHAPMAN: I think the photo he</p> <p>24 described was the one that was taken apparently</p> <p>25 from the wheelhouse.</p>	<p style="text-align: right;">Page 57</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Where is it kept? Where is it supposed</p> <p>3 to be kept?</p> <p>4 A. It's with the officer of the watch.</p> <p>5 Q. Do you know whether the -- where that</p> <p>6 phone is today that was on the MACKENZIE ROSE at the</p> <p>7 time of this bridge allision?</p> <p>8 A. It could be with IT or with counsel.</p> <p>9 MR. RODGERS: Don't guess.</p> <p>10 A. So no, I don't know.</p> <p>11 Q. So in the second conversation, I'll call</p> <p>12 it, that you had with Mr. Baldassare, what did you</p> <p>13 learn about what had happened?</p> <p>14 A. That there was no damage to the</p> <p>15 fendering, and on initial walk of the barge, there</p> <p>16 was no damage noted. So that was probably what came</p> <p>17 in -- came by way of the second phone call.</p> <p>18 Q. Do you know if the crew of the tug made</p> <p>19 any inspection of the bridge to determine whether</p> <p>20 there was any damage to it?</p> <p>21 A. Besides taking that one photo as they</p> <p>22 passed through.</p> <p>23 Q. That's all they did --</p> <p>24 A. Well --</p> <p>25 Q. -- as far as you know?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. As far as I know.</p> <p>3 Q. Nobody got off the boat and walked the</p> <p>4 bridge or came up alongside of the bridge, other than</p> <p>5 in that one photo?</p> <p>6 A. I don't believe so.</p> <p>7 MR. RODGERS: Well, don't guess.</p> <p>8 Q. So --</p> <p>9 A. So -- correction. Yes, I don't know.</p> <p>10 Q. At any time, did it occur to you that</p> <p>11 the Coast Guard needed to be contacted?</p> <p>12 MR. RODGERS: Objection to form.</p> <p>13 You can answer.</p> <p>14 A. It would have been within that five-day</p> <p>15 window of a bridge allision with fendering.</p> <p>16 Q. And not before? Coast Guard needed --</p> <p>17 did -- you're saying you -- it did not occur to you</p> <p>18 that the Coast Guard should be contacted immediately</p> <p>19 because of the allision?</p> <p>20 A. Well, given that it was reported that it</p> <p>21 was just a fendering and there was no damage to the</p> <p>22 fendering or the barge, I wouldn't understand the</p> <p>23 severity of what the tug did or didn't do.</p> <p>24 Q. Yeah, I hear what you're saying, but do</p> <p>25 you know what the regulatory requirement is?</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. So say it -- repeat the question,</p> <p>3 please.</p> <p>4 MR. CHAPMAN: I'll do it this way.</p> <p>5 Madam court reporter, would you read my</p> <p>6 question back to the witness.</p> <p>7 (The record was read.)</p> <p>8 A. No.</p> <p>9 Q. Did you notify Mr. Laraway on June 15th,</p> <p>10 2024, of the allision?</p> <p>11 A. It would have been on the 15th or 16th.</p> <p>12 Q. And how did you notify him?</p> <p>13 A. I -- I don't exactly recall. I believe</p> <p>14 I called him.</p> <p>15 Q. What did you tell him?</p> <p>16 A. That the MACKENZIE ROSE made contact</p> <p>17 with the bridge fendering and we were looking into it</p> <p>18 further.</p> <p>19 Q. Now, this would have been Nick Laraway;</p> <p>20 is that right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is Nick Laraway licensed by the Coast</p> <p>23 Guard, to your knowledge?</p> <p>24 A. No.</p> <p>25 Q. He's not licensed, to your knowledge?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection. It's a --</p> <p>3 you're asking about the law or what he knows?</p> <p>4 MR. CHAPMAN: I'm just -- again, I'm</p> <p>5 asking him what he knows or what he thinks</p> <p>6 regarding -- I'm trying to understand what --</p> <p>7 MR. RODGERS: Well, he just testified</p> <p>8 that it -- he understood there was a five-day</p> <p>9 window.</p> <p>10 MR. CHAPMAN: I'll back up. I'll back</p> <p>11 up.</p> <p>12 Q. Was the Coast Guard notified on</p> <p>13 June 15th, 2024, that the tug had allided with the</p> <p>14 bridge?</p> <p>15 A. I don't know.</p> <p>16 Q. Who would know?</p> <p>17 A. Lenny Baldassare.</p> <p>18 Q. Did he ever tell you that he had</p> <p>19 notified the Coast Guard?</p> <p>20 A. I don't recall that, either.</p> <p>21 Q. So my question, then, is did you do</p> <p>22 anything to confirm whether the Coast Guard had been</p> <p>23 notified on June 15th, 2024, of the allision?</p> <p>24 MR. RODGERS: Objection to form.</p> <p>25 You can answer if you understand it.</p>	<p>1 Moore - April 28, 2025</p> <p>2 That's my --</p> <p>3 A. To my knowledge.</p> <p>4 Q. Okay. Do you have any reason to believe</p> <p>5 that he's licensed by the Coast Guard?</p> <p>6 A. I have no reason to believe it.</p> <p>7 Q. Did you say anything to him about</p> <p>8 whether the Coast Guard needed to be notified of the</p> <p>9 allision?</p> <p>10 A. I did not.</p> <p>11 Q. Did you only have one conversation with</p> <p>12 him to notify him of the allision?</p> <p>13 A. I believe so.</p> <p>14 Q. Did you send him any photographs that</p> <p>15 you had?</p> <p>16 A. I don't recall.</p> <p>17 Q. Is there anything that would help your</p> <p>18 memory to recall whether you sent him photographs?</p> <p>19 A. Not -- no.</p> <p>20 Q. On June 15th, 2024, after the</p> <p>21 allision -- you first learned of the allision from</p> <p>22 Mr. Baldassare, were you ever on a call regarding the</p> <p>23 fact of the allision with any -- with more than one</p> <p>24 person, like a three-way call, four-way call?</p> <p>25 A. Besides Lenny, no, I don't -- no.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Did you give instructions to anyone else</p> <p>3 on behalf of Carver to notify the Coast Guard on</p> <p>4 June 15th, 2024?</p> <p>5 A. No.</p> <p>6 Q. Did you inform the master of the</p> <p>7 MACKENZIE ROSE that the boat was free to leave</p> <p>8 Norfolk without notifying the Coast Guard?</p> <p>9 A. I did not.</p> <p>10 Q. Do you know of anybody that did?</p> <p>11 A. I don't know.</p> <p>12 Q. When did anyone on behalf of Carver</p> <p>13 first notify the US Coast Guard of the allision with</p> <p>14 the Belt Line Bridge?</p> <p>15 A. I believe it was within 48 hours of</p> <p>16 Lieutenant Palomba of sector Norfolk. She reached</p> <p>17 out to Lenny and spoke to him about it.</p> <p>18 Q. So just so we're clear and it's not</p> <p>19 confusing, her name is Lieutenant Palomba?</p> <p>20 A. Yes.</p> <p>21 Q. Right.</p> <p>22 MR. RODGERS: With an A at the end.</p> <p>23 MR. CHAPMAN: I think the -- yeah. I</p> <p>24 think the spelling is P-A-L-O-M-B-A, Palombo --</p> <p>25 Palomba.</p>	<p style="text-align: right;">Page 64</p> <p>1 Moore - April 28, 2025</p> <p>2 You can answer what you know.</p> <p>3 A. No.</p> <p>4 Q. I'm not sure that answered my question</p> <p>5 the way you intended, but --</p> <p>6 A. Okay. Pause -- repeat the question.</p> <p>7 Q. Yeah.</p> <p>8 MR. CHAPMAN: Could you read that back</p> <p>9 for us, please.</p> <p>10 (The record was read.)</p> <p>11 A. Correct.</p> <p>12 Q. Yeah. Thank you.</p> <p>13 Was anybody with Carver Marine Towing</p> <p>14 responsible for investigating the allision?</p> <p>15 A. Nobody directly.</p> <p>16 Q. When you say nobody directly, was</p> <p>17 somebody indirectly responsible?</p> <p>18 A. No. It was more of a team effort,</p> <p>19 collaborative.</p> <p>20 Q. So who was in charge? Was it you?</p> <p>21 A. It would have been Lenny and myself to</p> <p>22 look into it.</p> <p>23 Q. Okay. When did the tug and barge arrive</p> <p>24 in New York?</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">Page 63</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: And we're -- Detective</p> <p>3 Columbo. I don't know.</p> <p>4 MR. CHAPMAN: Yeah.</p> <p>5 Q. So it's your testimony that she</p> <p>6 contacted Mr. Baldassare, and then within 48 hours of</p> <p>7 that initial contact from the Coast Guard, then the</p> <p>8 Coast Guard was notified?</p> <p>9 A. No. Incorrect.</p> <p>10 Q. I misunderstood, then.</p> <p>11 A. Correct.</p> <p>12 So it was within 48 hours of the</p> <p>13 incident, I believe, is when Lieutenant contacted</p> <p>14 Lenny informing him that the MACKENZIE ROSE did</p> <p>15 strike the bridge.</p> <p>16 MR. RODGERS: Just for the record, is</p> <p>17 that your understanding?</p> <p>18 THE WITNESS: Yes.</p> <p>19 Q. Okay. And you think that was within</p> <p>20 48 hours of the allision?</p> <p>21 A. I believe so, yes.</p> <p>22 Q. And then at no time before that had</p> <p>23 Carver or anybody on behalf of Carver informed the</p> <p>24 Coast Guard of the allision; is that right?</p> <p>25 MR. RODGERS: Objection to form.</p>	<p style="text-align: right;">Page 65</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Was it within 48 hours of the allision?</p> <p>3 A. Yes.</p> <p>4 Q. So as a part of the investigation that</p> <p>5 you and Mr. Baldassare did, was anybody interviewed?</p> <p>6 A. Statements were taken by the crew --</p> <p>7 from the crew.</p> <p>8 Q. When did that happen?</p> <p>9 A. The initial statements would have been</p> <p>10 on the day, and then Lenny met with them in person</p> <p>11 upon arrival to New York Harbor.</p> <p>12 Q. Was the crew instructed to make</p> <p>13 statements on the day of the allision?</p> <p>14 A. Yes. We asked them to provide</p> <p>15 statements.</p> <p>16 Q. When you say we, was that communicated</p> <p>17 by you?</p> <p>18 A. No. I say we as in Carver, but it would</p> <p>19 have been by Lenny to ask them to get statements.</p> <p>20 Q. When did you first see the statements</p> <p>21 from the crew?</p> <p>22 A. I don't remember.</p> <p>23 Q. Were they e-mailed to you?</p> <p>24 A. I believe so.</p> <p>25 Q. By whom?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. I don't recall if it was the tug or</p> <p>3 Lenny.</p> <p>4 Q. Does the tug have its own e-mail</p> <p>5 account?</p> <p>6 A. It does.</p> <p>7 Q. And what is the name of that e-mail or</p> <p>8 what's the...</p> <p>9 A. I believe it's</p> <p>10 tugmackenzie@carvercompanies.com.</p> <p>11 Q. Who has the ability to send e-mails from</p> <p>12 that e-mail address on the tug?</p> <p>13 A. Anybody on board.</p> <p>14 Q. So it's not -- are there special login</p> <p>15 credentials required to access that account?</p> <p>16 A. There's a password for the -- that</p> <p>17 laptop that the crew would have. Primarily, it's</p> <p>18 going to be based -- they can be coming from the</p> <p>19 captain or the mate to send e-mails.</p> <p>20 Q. Where is that laptop with the e-mail</p> <p>21 account located on the tug?</p> <p>22 A. I believe it's still on board.</p> <p>23 Q. Okay. And is it in the wheelhouse or in</p> <p>24 the master's room or...</p> <p>25 A. It's in the wheelhouse.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Was there any written report prepared of</p> <p>3 the investigation?</p> <p>4 A. There was --</p> <p>5 MR. RODGERS: Objection. Can you be</p> <p>6 more specific.</p> <p>7 MR. CHAPMAN: I don't know that I can.</p> <p>8 I'm just asking. He's told -- he's --</p> <p>9 MR. RODGERS: By who? By Carver or by</p> <p>10 him, by anybody?</p> <p>11 MR. CHAPMAN: Fair. That's a fair</p> <p>12 inquiry.</p> <p>13 Q. Was there ever a written report of the</p> <p>14 investigation prepared by Carver?</p> <p>15 A. Of the investigation, no.</p> <p>16 Q. So there were statements obtained, but</p> <p>17 no written report prepared?</p> <p>18 A. Correct.</p> <p>19 MR. CHAPMAN: We can go off.</p> <p>20 THE VIDEOGRAPHER: We are going off the</p> <p>21 record. The time is 11:53 a.m.</p> <p>22 (Discussion held off the record.)</p> <p>23 MR. NANAVATI: Yes, I would like a copy</p> <p>24 of the transcript, please.</p> <p>25 MR. JETT: I do not need a copy. Thank</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. But it's one password, right? Everybody</p> <p>3 has -- everybody that wants to use it needs to know</p> <p>4 that password?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Do you know how many statements</p> <p>7 were taken from the crew?</p> <p>8 MR. RODGERS: You mean how many crew</p> <p>9 members or --</p> <p>10 MR. CHAPMAN: We can start there.</p> <p>11 Q. Did everybody -- every member of the</p> <p>12 crew provide a statement, to your knowledge?</p> <p>13 A. To my knowledge.</p> <p>14 Q. And did they provide more than one</p> <p>15 statement or did they only provide one statement?</p> <p>16 A. They provided a handwritten statement,</p> <p>17 and usually handwritten statements are illegible and</p> <p>18 not clear, and that we would ask them to retype it</p> <p>19 up. Lenny would have had them type it up.</p> <p>20 Q. And what was the purpose of getting</p> <p>21 statements?</p> <p>22 MR. RODGERS: Objection to form.</p> <p>23 You can answer it if you understand it.</p> <p>24 A. Just with any incident, a statement</p> <p>25 should be provided.</p>	<p>1 Moore - April 28, 2025</p> <p>2 you.</p> <p>3 THE VIDEOGRAPHER: Beginning Media No.</p> <p>4 2. We are back on the record. The time is</p> <p>5 12:05 p.m.</p> <p>6 BY MR. CHAPMAN:</p> <p>7 Q. And just to kind of follow up where we</p> <p>8 were talking about this investigation that you and</p> <p>9 Mr. Baldassare did.</p> <p>10 What photographs did you actually see</p> <p>11 during the course of, I'll call it, that</p> <p>12 investigation?</p> <p>13 A. There's a set of the photos of the</p> <p>14 barge, the bow, port, starboard and stern -- I</p> <p>15 believe the stern -- and then the one that beam photo</p> <p>16 from the bridge -- I'm sorry, from the wheelhouse of</p> <p>17 looking west towards the bridge, and that's it.</p> <p>18 MR. RODGERS: Off the record.</p> <p>19 (Discussion held off the record.)</p> <p>20 MR. CHAPMAN: Let's mark this as</p> <p>21 Exhibit 1, please.</p> <p>22 (Exhibit 1, Copy of Photo, marked for</p> <p>23 identification, as of this date.)</p> <p>24 Q. I passed you a copy of a photograph that</p> <p>25 was provided to the Belt Line as a part of the</p>

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<p>1 Moore - April 28, 2025</p> <p>2 production in discovery in this case, and this is as</p> <p>3 good as it gets, the image, when you look at it this</p> <p>4 way. It's a digital thing, but it says -- it's just</p> <p>5 a thumbnail, so it's not like the full size.</p> <p>6 A. Okay.</p> <p>7 Q. Okay. But is this one of the</p> <p>8 photographs that you received as -- or reviewed as</p> <p>9 part of your investigation?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Do you know where the original</p> <p>12 native digital photograph is that would allow us to</p> <p>13 see this more clearly?</p> <p>14 A. I don't know exactly, but it would have</p> <p>15 came from MACKENZIE ROSE's boat phone.</p> <p>16 Q. All right. Okay. And I'm going to have</p> <p>17 a similar set of questions.</p> <p>18 MR. RODGERS: Off the record.</p> <p>19 (Discussion held off the record.)</p> <p>20 MR. CHAPMAN: Mark this as 2, please.</p> <p>21 (Exhibit 2, Copy of Photos, marked for</p> <p>22 identification, as of this date.)</p> <p>23 MR. CHAPMAN: Here is a copy for you.</p> <p>24 Q. You've been passed some photographs that</p> <p>25 are collectively marked as Exhibit 2, labeled Carver</p>	<p>1 Moore - April 28, 2025</p> <p>2 collection.</p> <p>3 Q. And this barge was laden with cargo,</p> <p>4 correct?</p> <p>5 A. Yes. It had special project cargo on</p> <p>6 deck.</p> <p>7 Q. Which was bound for where?</p> <p>8 A. The Hackensack River, New York Harbor.</p> <p>9 Q. Was there a bridge project going up</p> <p>10 there that you were supporting?</p> <p>11 A. Yes.</p> <p>12 Q. Who was your customer for this transit?</p> <p>13 A. I actually don't know who the exact</p> <p>14 customer it was for.</p> <p>15 Q. Somebody building the bridge?</p> <p>16 A. Yes. Skanska was building the bridge,</p> <p>17 and who we'd be working with. I don't know if this</p> <p>18 was directly by them or who signed us up for it.</p> <p>19 Q. Did you have all of the towing related</p> <p>20 to the construction of this bridge?</p> <p>21 A. Not all of it.</p> <p>22 Q. But some of it?</p> <p>23 A. Yes.</p> <p>24 Q. So how was Carver going to be paid for</p> <p>25 towing whatever was on this barge up to that bridge</p>
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<p>1 Moore - April 28, 2025</p> <p>2 00245 through Carver 00248, that appear to depict a</p> <p>3 barge.</p> <p>4 Are these photos that you reviewed</p> <p>5 during your investigation with Mr. Baldassare?</p> <p>6 A. Yes.</p> <p>7 Q. These all appear to depict the rake end</p> <p>8 of a barge. Would you agree?</p> <p>9 A. Yes. This would be the bow.</p> <p>10 Q. Okay. So you had mentioned that you saw</p> <p>11 some photos of the port and starboard and stern of</p> <p>12 the barge as well.</p> <p>13 A. I -- I wasn't sure of the stern, but</p> <p>14 when I had referenced to the port/starboard, I mean</p> <p>15 like you could see the port. I guess you can't quite</p> <p>16 see the starboard side, but I knew I was able to see</p> <p>17 the side of it as well, too.</p> <p>18 Q. All right. So Carver 00248, you're</p> <p>19 saying depicts the -- an angle of the port side of</p> <p>20 the barge, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 MR. RODGERS: Which one is that?</p> <p>24 THE WITNESS: 248.</p> <p>25 MR. CHAPMAN: The last one in this</p>	<p>1 Moore - April 28, 2025</p> <p>2 project in Hackensack?</p> <p>3 A. I --</p> <p>4 MR. RODGERS: Just -- you mean who was</p> <p>5 going to pay him or --</p> <p>6 MR. CHAPMAN: Yeah.</p> <p>7 MR. RODGERS: Yeah. Okay.</p> <p>8 MR. CHAPMAN: That's what I'm asking.</p> <p>9 A. Yeah. I don't know exactly. I would</p> <p>10 have to refer to the terms and conditions, the</p> <p>11 agreements.</p> <p>12 Q. Do you know how much you were being paid</p> <p>13 for each trip?</p> <p>14 A. I don't know.</p> <p>15 Q. Where would that information reside?</p> <p>16 A. It would be with accounting.</p> <p>17 Q. So just kind of part of your P&L</p> <p>18 responsibility?</p> <p>19 A. Yes.</p> <p>20 Q. But you just don't have it like</p> <p>21 immediately of mind, right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. But there would have been some</p> <p>24 freight due for this voyage, right?</p> <p>25 A. Correct.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. I'm going to get out a copy of it in a</p> <p>3 little bit, but one of the documents that was</p> <p>4 produced to us in this case was a report of an</p> <p>5 allision when Captain Morrissey was at the wheel of</p> <p>6 the MACKENZIE ROSE in January of 2024, when he hit a</p> <p>7 pier in -- or near Charleston, South Carolina.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Do you recall that?</p> <p>10 A. I do.</p> <p>11 Q. That report is on a form -- a company</p> <p>12 form that says like 9.5 incident report or something</p> <p>13 like that on it.</p> <p>14 A. Okay.</p> <p>15 Q. Okay?</p> <p>16 Was a form like that ever prepared for</p> <p>17 this allision with the Belt Line Bridge?</p> <p>18 MR. RODGERS: Just -- could you show him</p> <p>19 the form that you're referring to.</p> <p>20 MR. CHAPMAN: It'd take me a minute to</p> <p>21 find it. So...</p> <p>22 MS. WERNER: Would you like the Bates</p> <p>23 label, Jim? This is Rachel Werner. Jim needs</p> <p>24 the Bates label. I'm happy to read it to him so</p> <p>25 he can provide the witness the document.</p>	<p>1 Moore - April 28, 2025</p> <p>2 marked -- a copy of a report marked as Exhibit 3</p> <p>3 covering Carver Bates labels 00829 through 00847.</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. Is this the report that was</p> <p>6 filled out in -- for the incident in January of 2024</p> <p>7 when Captain Morrissey, while at the helm, hit a</p> <p>8 pier?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. So my question is was a report</p> <p>11 like this filled out for the Belt Line Bridge</p> <p>12 allision on June 15th, 2024?</p> <p>13 A. I don't recall. I would have to</p> <p>14 reference.</p> <p>15 Q. Okay. How would you go check to see if</p> <p>16 there was such a report or a --</p> <p>17 A. It would all be through the Helm</p> <p>18 operating system.</p> <p>19 Q. And you're referring to a logo on page 1</p> <p>20 of Exhibit 3 that says Helm?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Tell us about that.</p> <p>23 A. The Helm operating system is our overall</p> <p>24 component where tugs will enter in daily logs,</p> <p>25 entries, position reports. It's part of our</p>
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<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: So she's getting you the</p> <p>3 Bates number.</p> <p>4 MR. CHAPMAN: Yeah, one second.</p> <p>5 MR. RODGERS: You know, why don't I get</p> <p>6 my Bates number docs, okay? Maybe we can --</p> <p>7 Jim?</p> <p>8 MR. CHAPMAN: I think I've got it.</p> <p>9 MR. RODGERS: And it might even have</p> <p>10 better photos, if you want to wait two minutes.</p> <p>11 MR. CHAPMAN: I think it starts with</p> <p>12 829.</p> <p>13 MR. NANAVALI: It is.</p> <p>14 MS. WERNER: That's right.</p> <p>15 MR. NANAVALI: It's 829.</p> <p>16 MR. RODGERS: Off the record.</p> <p>17 (Discussion held off the record.)</p> <p>18 (Exhibit 3, 9.5 Incident Report-Event,</p> <p>19 marked for identification, as of this date.)</p> <p>20 MR. RODGERS: Could you ID the numbers</p> <p>21 just so Rachel and your people can hear it.</p> <p>22 MR. CHAPMAN: Yeah, I will.</p> <p>23 MR. RODGERS: I mean, the Bates numbers.</p> <p>24 MR. CHAPMAN: Yeah.</p> <p>25 Q. So Mr. Moore, you've been passed a copy</p>	<p>1 Moore - April 28, 2025</p> <p>2 preventive maintenance system if tugs have issues.</p> <p>3 So to submit repair tickets, and also, part of the</p> <p>4 near misses and incident reports and everything else.</p> <p>5 Q. And it looks to me like there's a number</p> <p>6 of fields that have to be filled in as part of</p> <p>7 preparing this report, right?</p> <p>8 A. There's a lot of options for the fields.</p> <p>9 Not all are applicable.</p> <p>10 Q. So is -- if you were to look at this in</p> <p>11 the system, are there fields that are required that</p> <p>12 have to be filled in?</p> <p>13 A. I don't know off the top of my head.</p> <p>14 Q. So if you look on the second page of</p> <p>15 Exhibit 3, under 3.2 it says Master, James D.</p> <p>16 Morrissey, and then there's a parentheses after that</p> <p>17 that says Inactive --</p> <p>18 A. Yes.</p> <p>19 Q. -- right?</p> <p>20 What does the inactive mean?</p> <p>21 A. It means that they're not currently</p> <p>22 active in the Helm operating as a crew member.</p> <p>23 Q. So this report was run after he left the</p> <p>24 employ of the company?</p> <p>25 A. I don't know when this report was run.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 You can pull up these reports at any time.</p> <p>3 Q. And -- but if somebody is still</p> <p>4 currently with the company, it wouldn't say inactive</p> <p>5 after their name?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. So on the first page, it says it</p> <p>8 was filled by Brandon Kuster.</p> <p>9 A. Yes.</p> <p>10 Q. Who is Brandon Kuster?</p> <p>11 A. He's a captain with Carver Marine</p> <p>12 Towing.</p> <p>13 Q. Was he the master of the MACKENZIE ROSE</p> <p>14 on the date of this allision that's reported in</p> <p>15 Exhibit 3?</p> <p>16 A. I don't believe so. I believe he was</p> <p>17 sailing as mate. Still as a captain, but sailing as</p> <p>18 mate.</p> <p>19 Q. So would Morrissey have been the master</p> <p>20 of the vessel at the time this allision occurred?</p> <p>21 A. Yes.</p> <p>22 Q. Is there a reason that Morrissey doesn't</p> <p>23 fill the form out himself?</p> <p>24 A. Not that I would know.</p> <p>25 Q. If you can go to page 00832,</p>	<p>1 Moore - April 28, 2025</p> <p>2 of my head. Our Charleston team was handling that</p> <p>3 since it's their area.</p> <p>4 Q. And this says -- if we go back to page 1</p> <p>5 of Exhibit 3, it says that it was filled -- I assume</p> <p>6 that means filled out, on January 22nd of 2024 at</p> <p>7 0855 hours, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So it's just before 9 a.m., right?</p> <p>10 Right?</p> <p>11 A. Oh, yes. Sorry. Yes.</p> <p>12 Q. I'm not saying that's the time of the</p> <p>13 accident, I'm saying that that's when the form was</p> <p>14 completed --</p> <p>15 A. Correct.</p> <p>16 Q. -- right?</p> <p>17 MR. RODGERS: To his knowledge, also.</p> <p>18 A. Yes, to my knowledge.</p> <p>19 MR. RODGERS: Well, he's got to ask you</p> <p>20 that.</p> <p>21 THE WITNESS: I wasn't there, but...</p> <p>22 Q. Yeah.</p> <p>23 Have you ever completed one of these</p> <p>24 forms yourself?</p> <p>25 A. I have not.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Section 4.8. It looks like there's a question or a</p> <p>3 field to be completed about property damage.</p> <p>4 A. Yes, sir.</p> <p>5 Q. And it says Occurrence causing project</p> <p>6 damage in excess of \$75,000.</p> <p>7 Do you know why that figure is in this</p> <p>8 report?</p> <p>9 A. I believe that is auto populated through</p> <p>10 Helm as the -- or was, I believe, the Coast Guard</p> <p>11 threshold for reportable incidents.</p> <p>12 Q. Okay. And is Done part of a drop-down</p> <p>13 menu?</p> <p>14 A. I don't -- I don't know.</p> <p>15 Q. Okay. Did you understand that the</p> <p>16 damage caused to the pier in this allision in January</p> <p>17 of 2024 exceeded \$75,000?</p> <p>18 A. At the time, nobody knew what the damage</p> <p>19 would cost.</p> <p>20 Q. And did you since learn that it was in</p> <p>21 excess of \$75,000?</p> <p>22 A. Did I what?</p> <p>23 Q. Did you -- have you since learned the</p> <p>24 damage was in excess of \$75,000 to the pier?</p> <p>25 A. I don't recall the exact number off top</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. At the end on page 000846 of</p> <p>3 Exhibit 3, it references at the bottom of that page</p> <p>4 Attachments.</p> <p>5 A. Yes.</p> <p>6 Q. Do you see that?</p> <p>7 And then you got to go the next page to</p> <p>8 see what they are. But it looks like there's a</p> <p>9 Witness Statement from every member of the crew?</p> <p>10 Is that -- is that what we're seeing</p> <p>11 here?</p> <p>12 A. To my knowledge, yes.</p> <p>13 Q. Okay. And it was like a -- looks like</p> <p>14 it's a Word document, docx, as the file type?</p> <p>15 A. I believe so.</p> <p>16 Q. Those attachments, though, aren't</p> <p>17 printed as part of this exhibit we're looking at,</p> <p>18 correct?</p> <p>19 A. They're not in this exhibit, no.</p> <p>20 Q. So we don't know -- but presumably, they</p> <p>21 exist in your system somewhere, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And if you look on Carver 00845</p> <p>24 in Exhibit 3, under 19.8, it says Chemical Testing.</p> <p>25 Do you see that?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. And somebody's entered Done, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. So -- and then right below at 19.9,</p> <p>6 Results from Chemical Testing, says Immediate swap</p> <p>7 conducted as negative, and crew was sent to clinic</p> <p>8 for formal testing. All negative. Right?</p> <p>9 A. Yes, that's what it says.</p> <p>10 Q. So would there be some chemical testing</p> <p>11 results for the crew members as part of this</p> <p>12 investigation?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. But they're not part of this</p> <p>15 incident report. They're not attached to it or --</p> <p>16 A. Correct.</p> <p>17 Q. Where would they live in your system?</p> <p>18 A. I don't know. I -- I don't know. I</p> <p>19 believe also in Helm, but not sure off the top of my</p> <p>20 head.</p> <p>21 Q. Is there like a personnel file for each</p> <p>22 employee of the towing company?</p> <p>23 A. Yes, there is.</p> <p>24 Q. And is that in an electronic employment</p> <p>25 file or is there like a folder with, you know, paper</p>	<p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: Well, I...</p> <p>3 MR. RODGERS: Like the wind speed?</p> <p>4 Q. So if you continue on page 34 -- excuse</p> <p>5 me. Yeah, 834. It's got the air temperature, wind</p> <p>6 speed, wind direction, water speed, that it was an</p> <p>7 ebb tide. The tide was about 2.1 feet, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And the sea state at zero.</p> <p>10 Presumably no chop --</p> <p>11 A. Correct.</p> <p>12 Q. -- right? Okay.</p> <p>13 MR. RODGERS: Are you going to be asking</p> <p>14 him about the wind speed?</p> <p>15 MR. CHAPMAN: No, but you can when you</p> <p>16 decide to follow up.</p> <p>17 MR. RODGERS: Oh, okay.</p> <p>18 MR. CHAPMAN: I think it's accurately --</p> <p>19 or it's been recorded there, and it says what it</p> <p>20 says. So...</p> <p>21 Q. Is there any place in this form where</p> <p>22 there's an entry regarding whether a lookout was</p> <p>23 posted at the time of the incident?</p> <p>24 A. I don't know.</p> <p>25 MR. RODGERS: For the record, this is</p>
Page 83	Page 85
<p>1 Moore - April 28, 2025</p> <p>2 documents or copies of things in it, too?</p> <p>3 A. I don't know, actually. That's all</p> <p>4 through HR. I don't have access to the HR files.</p> <p>5 Q. Do you know whether it's required that</p> <p>6 the results of chemical testing be included in their</p> <p>7 personnel files?</p> <p>8 A. I don't know.</p> <p>9 Q. With respect to the conditions at the</p> <p>10 time of this incident, if you could take a look at</p> <p>11 Carver 00083.</p> <p>12 A. 830?</p> <p>13 Q. Yeah, 833.</p> <p>14 A. Oh, 833. Got it.</p> <p>15 Q. And just confirming, it says the weather</p> <p>16 was clear, right?</p> <p>17 A. Yes.</p> <p>18 Q. It was daylight hours?</p> <p>19 A. Yes.</p> <p>20 Q. Visibility was good?</p> <p>21 A. Yes.</p> <p>22 Q. Up to 10 miles?</p> <p>23 A. Yes.</p> <p>24 MR. RODGERS: Are you going to read the</p> <p>25 rest, Jim?</p>	<p>1 Moore - April 28, 2025</p> <p>2 the January incident, right?</p> <p>3 MR. CHAPMAN: Correct.</p> <p>4 MR. RODGERS: Okay. Thanks.</p> <p>5 Q. On page 000840, it describes -- it has</p> <p>6 Damage to Property under Section 12.</p> <p>7 Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And it says under 12.1 that the property</p> <p>10 is the corner of Pier K, piling on north side of the</p> <p>11 dock --</p> <p>12 A. Correct.</p> <p>13 Q. -- right?</p> <p>14 And then the owner of the property is</p> <p>15 Stevens Towing.</p> <p>16 Is Stevens owned by Carver?</p> <p>17 A. No.</p> <p>18 Q. So this is presumably Stevens Towing's</p> <p>19 dock?</p> <p>20 MR. RODGERS: And --</p> <p>21 A. It's actually the -- sorry. It's</p> <p>22 actually the Port Authority's dock.</p> <p>23 Q. Oh, okay.</p> <p>24 A. So...</p> <p>25 Q. So the South Carolina Ports Authority's</p>

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<p style="text-align: right;">Page 86</p> <p>1 Moore - April 28, 2025</p> <p>2 dock was damaged?</p> <p>3 A. Correct. Stevens Towing leases it out</p> <p>4 from them.</p> <p>5 Q. Okay.</p> <p>6 As part of your investigation of the</p> <p>7 Belt Line Bridge allision, the one in June of 2024,</p> <p>8 do you know whether Will Gedney was contacted at all</p> <p>9 during the -- that allision on June 15th, 2024?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know who the dispatcher was on --</p> <p>12 that was on duty at that time?</p> <p>13 A. Not to my knowledge right now.</p> <p>14 Q. Do you have a dispatcher on 24/7?</p> <p>15 A. Yes.</p> <p>16 Q. Is there any log of calls made to or by</p> <p>17 the dispatcher as they occur?</p> <p>18 A. Like a documented call log?</p> <p>19 Q. Yes.</p> <p>20 A. No.</p> <p>21 Q. How would the tug reach the dispatcher</p> <p>22 if they felt the need to contact the dispatch; cell</p> <p>23 phone?</p> <p>24 A. Cell phone, yes.</p> <p>25 Q. And just so I'm clear, to your</p>	<p style="text-align: right;">Page 88</p> <p>1 Moore - April 28, 2025</p> <p>2 menu, and then they would designate it from there.</p> <p>3 Q. Okay.</p> <p>4 A. But the tags could also just be a</p> <p>5 reference to searchability within the system.</p> <p>6 Q. Do employees ever get, I'll say,</p> <p>7 reprimanded or disciplined in any way from messing</p> <p>8 stuff up?</p> <p>9 MR. RODGERS: Objection to form.</p> <p>10 You can answer if you understand it.</p> <p>11 A. Within Carver companies?</p> <p>12 Q. Yeah, I'll rephrase.</p> <p>13 Do employees of Carver Marine Towing</p> <p>14 ever get disciplined for damaging property?</p> <p>15 A. There's a formal write-up within Carver</p> <p>16 companies. I don't recall of any formal write-ups.</p> <p>17 It would go through HR for write-ups and discipline</p> <p>18 actions.</p> <p>19 Q. So would somebody from HR be completely</p> <p>20 responsible for that or would there be somebody at</p> <p>21 the towing company that had to initiate it or sort of</p> <p>22 spell out what the issue was?</p> <p>23 A. Correct. It would be -- it would go</p> <p>24 through us for that. It would be -- I say us; that's</p> <p>25 Carver Marine Towing. But it could go through</p>
<p style="text-align: right;">Page 87</p> <p>1 Moore - April 28, 2025</p> <p>2 knowledge, you don't know whether such an incident</p> <p>3 report like Exhibit 3 was prepared for the allision</p> <p>4 with the Belt Line Bridge that took place -- that</p> <p>5 occurred on June 15th, 2024?</p> <p>6 A. Not to my knowledge right now, of its</p> <p>7 existence or nonexistence.</p> <p>8 Q. Can you go into the Helm system and look</p> <p>9 for it?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Just put in the date or --</p> <p>12 A. Yep. You can --</p> <p>13 Q. -- and the vessel?</p> <p>14 A. You can reference incidents by vessels.</p> <p>15 Q. Okay. So this -- on page 1 of</p> <p>16 Exhibit 3, it says there's a tag incident, right?</p> <p>17 A. Yes.</p> <p>18 Q. You see that there?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What other tags are there for an</p> <p>21 incident report event like this?</p> <p>22 A. I don't know exactly.</p> <p>23 Q. Right now, do you know if that's a</p> <p>24 drop-down menu?</p> <p>25 A. I believe it's all through a drop-down</p>	<p style="text-align: right;">Page 89</p> <p>1 Moore - April 28, 2025</p> <p>2 somebody at Carver Marine Towing to initiate the</p> <p>3 disciplinary action.</p> <p>4 Q. And how do you get that process started?</p> <p>5 Is there some form you have to fill out, or is it</p> <p>6 just pick up the phone and call somebody in HR and</p> <p>7 say hey, I need to do this?</p> <p>8 A. It's as --</p> <p>9 Q. How does it work?</p> <p>10 A. -- simple as a phone call. It could be</p> <p>11 e-mail. Because I've -- don't recall seeing any of</p> <p>12 the Carver Marine Towing reports for disciplinary</p> <p>13 action. It's all a Carver companies' form.</p> <p>14 Q. Was Captain Morrissey disciplined for</p> <p>15 damaging the South Carolina Port Authority dock in</p> <p>16 January of 2024?</p> <p>17 A. For that incident, no.</p> <p>18 Q. Did anybody counsel him or...</p> <p>19 A. We interviewed him and spoke to him</p> <p>20 about the incidents, and we didn't deem it necessary</p> <p>21 given the fact that the -- the way the departure was</p> <p>22 with the winds and currents and the sets that he --</p> <p>23 occurred; that it was a common -- not say it's a</p> <p>24 common, but it's a probability that could happen, and</p> <p>25 he really -- he was not directly disciplined for it.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. Did the tug allied with the dock or did</p> <p>3 a barge that it was handling allied with the dock?</p> <p>4 A. A barge.</p> <p>5 Q. Do you know whose barge it was?</p> <p>6 A. Our barge.</p> <p>7 Q. So you also operate a fleet of barges?</p> <p>8 A. True. Correct.</p> <p>9 Q. To your knowledge, has Captain Morrissey</p> <p>10 ever been disciplined for the incident -- the</p> <p>11 allision with the Belt Line Bridge in 2024?</p> <p>12 A. He was suspended with pay pending that</p> <p>13 investigation.</p> <p>14 Q. But was he disciplined?</p> <p>15 MR. RODGERS: Objection to form.</p> <p>16 A. A disciplinary form? No.</p> <p>17 Q. I'm sorry?</p> <p>18 MR. RODGERS: Asked and answered is my</p> <p>19 objection, but you can answer if you understand</p> <p>20 his question.</p> <p>21 A. To me, the suspension was the</p> <p>22 disciplinary.</p> <p>23 Q. So he still collected full -- collect</p> <p>24 full pay while he was on admin leave, right?</p> <p>25 A. Yes.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Not that I know.</p> <p>3 Q. Not that you've seen?</p> <p>4 A. Not that I know of.</p> <p>5 MR. RODGERS: Just for the record, I</p> <p>6 think he's testified that he -- that -- you're</p> <p>7 talking about Lenny interviewing him?</p> <p>8 THE WITNESS: Yes. Correct.</p> <p>9 MR. RODGERS: I think he talked to</p> <p>10 everybody when they got back to Staten Island.</p> <p>11 So it didn't sound like the question and answer</p> <p>12 reflected that. I think he was confused.</p> <p>13 MR. CHAPMAN: You know, you're fully</p> <p>14 welcome when I'm done to clarify anything.</p> <p>15 Just -- I would ask that you limit the speaking</p> <p>16 objections.</p> <p>17 MR. RODGERS: I've had very few speaking</p> <p>18 objections, if any. I just want to clarify to</p> <p>19 the witness now so there's not incorrect</p> <p>20 testimony, and I shouldn't have to fix it if</p> <p>21 it's done correctly.</p> <p>22 Q. Just so I'm clear on what you've said,</p> <p>23 you're not aware of any notes that Mr. Baldassare</p> <p>24 made regarding his interview with Captain Morrissey?</p> <p>25 A. Correct.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. Was there any counseling?</p> <p>3 MR. RODGERS: I'm just -- sorry. Jim,</p> <p>4 you call it admin leave. I don't know if that's</p> <p>5 his term, but maybe you can straighten it out.</p> <p>6 A. Correct. So he wasn't on admin leave.</p> <p>7 He didn't have any day-to-day operations with Carver</p> <p>8 Marine Towing during his suspension.</p> <p>9 Q. So he just didn't come into the office,</p> <p>10 but he received his full pay?</p> <p>11 A. Yes.</p> <p>12 Q. And how long did that go on?</p> <p>13 A. I don't recall. Multiple months.</p> <p>14 Q. Did you ever interview him personally</p> <p>15 regarding this allision?</p> <p>16 A. No.</p> <p>17 Q. Do you know who interviewed him</p> <p>18 personally?</p> <p>19 A. Lenny would have. Lenny Baldassare</p> <p>20 would have interviewed him.</p> <p>21 Q. And did he tell you about his interview</p> <p>22 with Captain Morrissey?</p> <p>23 A. I'm sure he did.</p> <p>24 Q. Are there any notes that he made of his</p> <p>25 interview with Captain Morrissey?</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. You've seen statements that the</p> <p>3 crew members provided in the aftermath of the</p> <p>4 allision, right?</p> <p>5 A. Correct.</p> <p>6 Q. And my question is whether you have ever</p> <p>7 seen any notes that Mr. Baldassare may have</p> <p>8 prepared -- I don't know whether he did or not -- of</p> <p>9 his investigation?</p> <p>10 A. No.</p> <p>11 Q. You haven't seen them?</p> <p>12 A. I've not seen any notes.</p> <p>13 Q. Okay.</p> <p>14 MR. CHAPMAN: Would you mark that as 4,</p> <p>15 please.</p> <p>16 (Exhibit 4, Labelled Sections Produced</p> <p>17 by Carver Listing, marked for identification, as</p> <p>18 of this date.)</p> <p>19 Q. Mr. Moore, you've been given Exhibit 4</p> <p>20 to your deposition, which has a cover page on it that</p> <p>21 was prepared by my office trying to identify the</p> <p>22 sections of documents that Carver produced to us in</p> <p>23 this case that appear to be part of some type of</p> <p>24 system, but they're largely labeled with a number in</p> <p>25 the first column, the section number, title of the</p>

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<p style="text-align: right;">Page 94</p> <p>1 Moore - April 28, 2025</p> <p>2 document, and then the Bates ranges, which are</p> <p>3 various. I reorganized them from the way they were</p> <p>4 produced so that they follow the section number</p> <p>5 ordering.</p> <p>6 A. Okay.</p> <p>7 Q. Because I think that makes more sense.</p> <p>8 It may not, but I think it does.</p> <p>9 A. Okay.</p> <p>10 Q. All right. So if you look at the first</p> <p>11 page underneath the cover, which is labeled Carver</p> <p>12 000148 titled Master's Authority -- excuse me,</p> <p>13 Matter's Responsibility and Authority, it looks like</p> <p>14 it's Section 5.1 --</p> <p>15 A. Yes, sir.</p> <p>16 Q. -- right?</p> <p>17 MR. RODGERS: And so for the record,</p> <p>18 could you put the Bates stamp numbers --</p> <p>19 MR. CHAPMAN: I did.</p> <p>20 MR. RODGERS: No. Right now, 148?</p> <p>21 MR. CHAPMAN: Yeah. I just -- I</p> <p>22 referenced that, I believe --</p> <p>23 MR. RODGERS: Okay.</p> <p>24 MR. CHAPMAN: -- so -- and they're also</p> <p>25 listed --</p>	<p style="text-align: right;">Page 96</p> <p>1 Moore - April 28, 2025</p> <p>2 But I presume that there must be some</p> <p>3 numbers that precede Section 5.1; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. So what is the lowest section</p> <p>6 number that you know of? Is it like 1.1 or --</p> <p>7 A. It would be 1 --</p> <p>8 Q. Okay.</p> <p>9 A. -- .1.</p> <p>10 Q. All right. And is there like an index</p> <p>11 or some table of contents in this safety management</p> <p>12 system?</p> <p>13 A. Yes.</p> <p>14 Q. How many -- like it starts at 1. How</p> <p>15 high does it go?</p> <p>16 A. I don't know off the top of my head.</p> <p>17 Q. Above 9.5?</p> <p>18 A. I couldn't answer that correctly.</p> <p>19 Q. Okay. Have you ever seen it printed</p> <p>20 out?</p> <p>21 A. Yes.</p> <p>22 Q. And how thick is it?</p> <p>23 A. Approximately two inches thick.</p> <p>24 Q. Okay. So if you hold this up to the</p> <p>25 video, this is maybe half an inch thick?</p>
<p style="text-align: right;">Page 95</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: And it's for the people</p> <p>3 listening on both sides.</p> <p>4 MR. CHAPMAN: Yeah.</p> <p>5 Anybody on the line that needs me to</p> <p>6 read that number again?</p> <p>7 MR. NANAVATI: I'm okay. Thanks.</p> <p>8 Q. Mr. Moore --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- where did this come from, this 5.1?</p> <p>11 A. This is all encapsulated within our</p> <p>12 towing TSMS or Towing Safety Management System, and</p> <p>13 that is also found in Helm.</p> <p>14 Q. So the -- I'll call it the safety</p> <p>15 management system.</p> <p>16 A. Yes.</p> <p>17 Q. But that's a requirement of SOLAS, isn't</p> <p>18 it?</p> <p>19 A. Not a requirement of SOLAS. It was a --</p> <p>20 it's a requirement of all tug and barge companies --</p> <p>21 Q. Okay.</p> <p>22 A. -- subchapter M related.</p> <p>23 Q. So the lowest numbered section that was</p> <p>24 produced to us in this litigation is 5.1. There's</p> <p>25 nothing before that.</p>	<p style="text-align: right;">Page 97</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection.</p> <p>3 A. No. It's not -- not quite that, but</p> <p>4 it's a little bit thicker than this.</p> <p>5 Q. Okay. Suffice to say, this is not the</p> <p>6 entire safety management system, right?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. So just kind of running through</p> <p>9 it with me at a high level, I want to understand</p> <p>10 what's here.</p> <p>11 Section 5.1, which is Carver 148 and</p> <p>12 149, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Section 6.12, which is Carver 150 and</p> <p>15 151, right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Section 6.13, which is Carver 152</p> <p>18 through 154?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And then it jumps up to 7.2, and the</p> <p>21 Bates No. is 908?</p> <p>22 A. Okay. I don't have 908.</p> <p>23 Q. Yeah, it's probably easier to follow</p> <p>24 along with the cover page, because as I said, they're</p> <p>25 not in the Bates numbered order, they're in the order</p>

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<p>1 Moore - April 28, 2025</p> <p>2 of the sections.</p> <p>3 A. Got it.</p> <p>4 Q. So I'm just asking is -- you see 5.1 and</p> <p>5 then you see 6.12?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And then you see 6.13?</p> <p>8 A. Yes.</p> <p>9 Q. And then 7.2 is the next one?</p> <p>10 A. Correct.</p> <p>11 Q. And that is Bates numbered 908. You</p> <p>12 just -- if you see the number in the lower right.</p> <p>13 And then 7.3?</p> <p>14 A. Yes.</p> <p>15 Q. Which is 898 to 906.</p> <p>16 7.4, which is 909?</p> <p>17 A. Yes.</p> <p>18 Q. 7.9, which is 897?</p> <p>19 A. You forgot 7.5, but --</p> <p>20 Q. Oh, I skipped that. Thank you.</p> <p>21 A. But yes --</p> <p>22 Q. Yeah.</p> <p>23 A. -- 7.5 and 7.9.</p> <p>24 Q. Okay. 7.5, which is 816 to 520.</p> <p>25 And then 7.9, which is 897, right?</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. -- Bates No. 910.</p> <p>3 Then 7.16 on Lookouts --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- which is numbered 155.</p> <p>6 And then 8.8M on Steering Failure, which</p> <p>7 is numbered 162, correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And then I guess same question. The 8.8</p> <p>10 is a subletter M.</p> <p>11 Do you know whether there's like A</p> <p>12 through L or anything after M?</p> <p>13 A. I would have to reference it.</p> <p>14 Q. Okay. And then the last numbered</p> <p>15 section is 9.5 on Accident and Incident Reporting,</p> <p>16 163 to 169.</p> <p>17 Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. The last thing that's in here doesn't</p> <p>20 have a section number on it, but if you could turn to</p> <p>21 the last four pages, which are numbered 886 through</p> <p>22 889.</p> <p>23 A. Okay.</p> <p>24 Q. It at the top says that it is, in red,</p> <p>25 Health and Safety Plan within TSMS.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. And then 7.9K, which is 194 to 199?</p> <p>4 A. Yes, sir.</p> <p>5 Q. I do want to ask, do you know why</p> <p>6 there's a sub letter to 7.9?</p> <p>7 A. I don't know.</p> <p>8 Q. And immediately following is 7.9P, which</p> <p>9 is numbered 201 to 226.</p> <p>10 Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know whether there are</p> <p>13 subsections of Section 7.9, like A through Z or A</p> <p>14 through some letter, and the only thing that we've</p> <p>15 been provided with are K and P?</p> <p>16 MR. RODGERS: Objection to form.</p> <p>17 Q. I'm just asking --</p> <p>18 A. I don't know.</p> <p>19 Q. -- if you know whether there are other</p> <p>20 subsections.</p> <p>21 A. Not without having it in front of me, I</p> <p>22 couldn't reference it.</p> <p>23 Q. Okay. And then it's followed by 7.12 on</p> <p>24 Bridge Transits --</p> <p>25 A. Yes, sir.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Do you see that heading?</p> <p>3 A. Yes, sir.</p> <p>4 Q. So you told us what the TSMS is, the</p> <p>5 Towing Safety Management System.</p> <p>6 Is this part of it, this document, these</p> <p>7 last four pages?</p> <p>8 A. I would have to reference it. It is</p> <p>9 extensive, so I don't really know off the top of my</p> <p>10 head.</p> <p>11 Q. Yeah. I mean, there's four pages, but</p> <p>12 they reference a lot of the Code of Federal</p> <p>13 Regulation, and then some other sections of the</p> <p>14 TSMS --</p> <p>15 A. Yes, sir.</p> <p>16 Q. -- right?</p> <p>17 I do have a question. In that far right</p> <p>18 column on page 886, it says TSMS/HSP Section?</p> <p>19 A. Yes, sir.</p> <p>20 Q. I assume HSP is Health and Safety Plan?</p> <p>21 A. Yes. That would -- to my knowledge,</p> <p>22 yes.</p> <p>23 Q. Is that a separate document, the Health</p> <p>24 and Safety Plan?</p> <p>25 A. No. It's all incorporated.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. It's all part of the --</p> <p>3 A. Part of the --</p> <p>4 Q. -- the TSMS?</p> <p>5 A. In Helm.</p> <p>6 Q. Okay. So if you go into your Helm</p> <p>7 system, you can access the entire TSMS, right?</p> <p>8 A. Yes.</p> <p>9 Q. And you can access all of the forms that</p> <p>10 have to be filled out as part of performing your</p> <p>11 duties, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What else is in Helm?</p> <p>14 A. There's multiple forms where you could</p> <p>15 fill out for evaluations, near misses, voyage plan,</p> <p>16 references, how to handle coal. It's all documented</p> <p>17 on -- it's all -- it's added by Tug & Barge</p> <p>18 Solutions, TBS, who is our provider of the Health and</p> <p>19 Safety, TSMS.</p> <p>20 Q. So Tug & Barge Solutions is a company</p> <p>21 that you buy or rent this towing safety management</p> <p>22 system from --</p> <p>23 A. Correct. They're a third-party</p> <p>24 organization that works with us to ensure that this</p> <p>25 plan is what we are looking for, compared to other</p>	<p>1 Moore - April 28, 2025</p> <p>2 organizations that do the same.</p> <p>3 So we utilize TBS just for the Helm and</p> <p>4 also the TSMS section.</p> <p>5 Q. You mentioned post-incident surveys.</p> <p>6 Did Carver hire a surveyor to go inspect</p> <p>7 the damage that the MACKENZIE ROSE did to the</p> <p>8 Carolina Port Authority dock in January of 2024?</p> <p>9 A. I don't know off the top of my head.</p> <p>10 Q. If you obtained a survey, where would</p> <p>11 that be kept?</p> <p>12 A. I have --</p> <p>13 MR. RODGERS: Just for the record, you</p> <p>14 mean the damage to the pier --</p> <p>15 MR. CHAPMAN: Damage to the pier.</p> <p>16 MR. RODGERS: -- in January 2024?</p> <p>17 MR. CHAPMAN: Correct.</p> <p>18 A. I don't recall seeing one, but it --</p> <p>19 there's no designated spot for it besides an e-mail</p> <p>20 or in Box we use.</p> <p>21 Q. Box is a file storage --</p> <p>22 A. Correct.</p> <p>23 Q. -- product, right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. The access that you have to Helm and the</p>
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<p>1 Moore - April 28, 2025</p> <p>2 companies that they also provide for.</p> <p>3 Q. And do they represent that their -- that</p> <p>4 the TSMS that they make available to you is in</p> <p>5 compliance with whatever regulatory requirements</p> <p>6 exist?</p> <p>7 A. I don't know off the top of my head.</p> <p>8 Q. So do you rent or buy the Helm system</p> <p>9 from them?</p> <p>10 A. Helms system is a separate operating</p> <p>11 system that goes through Tug & Barge Solutions, TBS,</p> <p>12 but Helm is its own separate organization that TBS</p> <p>13 provides that service to us with.</p> <p>14 Q. So you pay like a subscription to Helm</p> <p>15 and a subscription to TBS?</p> <p>16 A. We pay one subscription cost to TBS for</p> <p>17 all-encompassing.</p> <p>18 Q. All right. And so TBS provides the Helm</p> <p>19 system and it provides the safety management system?</p> <p>20 A. Correct.</p> <p>21 Q. Does it provide anything else?</p> <p>22 A. They also can perform other services,</p> <p>23 but nothing that's on the day-to-day operations they</p> <p>24 do. They can do condition value surveys,</p> <p>25 post-incident surveys, but there's other</p>	<p>1 Moore - April 28, 2025</p> <p>2 safety management system, is that all cloud-based?</p> <p>3 A. Yes.</p> <p>4 Q. So you got to login to the cloud to</p> <p>5 access your account?</p> <p>6 A. Yes.</p> <p>7 Q. Can Carver edit the safety management</p> <p>8 system?</p> <p>9 A. We can only recommend.</p> <p>10 Q. And if you wanted to make a change to it</p> <p>11 or recommend a change to it, how would that take</p> <p>12 place?</p> <p>13 A. It's easy as calling TBS to go through</p> <p>14 the motions or submitting a management of change</p> <p>15 within the operating system.</p> <p>16 Q. To your knowledge, has Carver ever done</p> <p>17 that?</p> <p>18 A. We have made revisions. I don't know</p> <p>19 off the top of my head what they were, but they have</p> <p>20 been made through -- through TBS.</p> <p>21 Q. And is there an audit log of any</p> <p>22 revisions that are made at your request to the safety</p> <p>23 management system?</p> <p>24 A. I don't -- I don't know off the top of</p> <p>25 my head.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. Is there an IT person that has some</p> <p>3 responsibility for managing or making those changes</p> <p>4 to the TSMS?</p> <p>5 A. It would be through TBS, not our IT</p> <p>6 department.</p> <p>7 Q. So if you look at the -- at Section 5.1</p> <p>8 of Exhibit 4, it has a revision date on it at the</p> <p>9 top, July of 2021?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you know what was revised in this?</p> <p>12 And I realize you weren't there, but I'm just trying</p> <p>13 to understand the scope of what you might know.</p> <p>14 A. I do not know.</p> <p>15 Q. So do you know if this has changed in</p> <p>16 any way since July 15th of 2024? I'm just focused on</p> <p>17 Section 5.1.</p> <p>18 A. No, I don't believe so.</p> <p>19 MR. RODGERS: Don't guess.</p> <p>20 THE WITNESS: That's correct.</p> <p>21 A. I -- not to my knowledge.</p> <p>22 Q. So moving on to Section 6.12 titled</p> <p>23 Deckhand, which is -- starts at page 150.</p> <p>24 A. Yes, sir.</p> <p>25 Q. It says, again, Revision Date, July 1,</p>	<p>1 Moore - April 28, 2025</p> <p>2 knowledge of duties of a deckhand.</p> <p>3 A. Correct. It would be through the same,</p> <p>4 if you're also transiting through locks, bridges or</p> <p>5 even on approach to a dock.</p> <p>6 Q. So how are deckhands trained in their</p> <p>7 responsibility regarding assisting the master or mate</p> <p>8 in making bridges?</p> <p>9 A. They have their own training for vessel</p> <p>10 orientation and initial on hire, but I could not --</p> <p>11 not to my knowledge, I don't know about specifically</p> <p>12 for passage to bridges or locks or...</p> <p>13 Q. Who is responsible for training new</p> <p>14 hires at Carver in -- from the time you've been</p> <p>15 there, and maybe it's changed, but just going back to</p> <p>16 since you've been there?</p> <p>17 MR. RODGERS: Objection to form.</p> <p>18 You can answer if you know -- understand</p> <p>19 the question.</p> <p>20 A. I'm not sure who would be responsible</p> <p>21 for training.</p> <p>22 Q. So there isn't anybody that you know of</p> <p>23 that has training responsibility at Carver Marine</p> <p>24 Towing?</p> <p>25 MR. RODGERS: Objection to form.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 2021.</p> <p>3 Has any change been made to it since</p> <p>4 that, since June 15th, 2024?</p> <p>5 A. Not to my knowledge.</p> <p>6 Q. On page 150 under the heading</p> <p>7 Operational --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- it looks like the third bullet</p> <p>10 down -- fourth bullet down, maybe third bullet down,</p> <p>11 Assisting the master/mate in making bridges.</p> <p>12 Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. What is the deckhand supposed to do to</p> <p>15 assist the master or mate in making bridges?</p> <p>16 A. A common practice would be for</p> <p>17 deckhands, if the officer on watch requests it, to go</p> <p>18 out and provide distances or identify any hazards.</p> <p>19 Q. Is that the same thing as the fourth</p> <p>20 bullet where it says Standing lookout or riding the</p> <p>21 head of a tow as a lookout?</p> <p>22 Are those the same or are they uniquely</p> <p>23 different?</p> <p>24 MR. RODGERS: Just for the record, he's</p> <p>25 not here as an expert, so that's to his</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Not directly assigned a training spot.</p> <p>3 Q. There's no one that has that role?</p> <p>4 That's my question. No one has --</p> <p>5 MR. RODGERS: Object --</p> <p>6 Q. No one has -- let me --</p> <p>7 MR. RODGERS: You're talking about on</p> <p>8 the vessel or are you talking about in the</p> <p>9 company?</p> <p>10 MR. CHAPMAN: I'm talking about in --</p> <p>11 MR. RODGERS: It's confusing.</p> <p>12 Q. At Carver Marine Towing, is there</p> <p>13 somebody that uniquely has the responsibility for</p> <p>14 training new hires?</p> <p>15 A. The master or mate, whoever that signs</p> <p>16 them off in within Helm as -- and appropriate to</p> <p>17 stand watch.</p> <p>18 Q. And does the master or mate that has</p> <p>19 that responsibility also receive training in what</p> <p>20 they're supposed to train the deckhands in?</p> <p>21 A. I don't know.</p> <p>22 Q. Is --</p> <p>23 MR. RODGERS: Don't guess.</p> <p>24 Q. Is it spelled out anywhere in this TSMS</p> <p>25 system what training is required or how it's to be</p>

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<p style="text-align: right;">Page 110</p> <p>1 Moore - April 28, 2025</p> <p>2 conducted, that sort of thing?</p> <p>3 A. I would have to reference it.</p> <p>4 Q. You don't know?</p> <p>5 A. No, not off the top of my head. I would</p> <p>6 have to reference that.</p> <p>7 Q. If you turn to the next page, which is</p> <p>8 151 in Exhibit 4.</p> <p>9 A. Yes, sir.</p> <p>10 Q. It says near the top, third bullet</p> <p>11 down -- I think this is a continuation of the</p> <p>12 Operational section.</p> <p>13 It says Know their assigned duties on</p> <p>14 the Station Bill?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Station Bill is capitalized.</p> <p>17 Do you see that?</p> <p>18 A. Mine's not. Correction. Yes.</p> <p>19 Q. That their --</p> <p>20 A. Station Bill, yes.</p> <p>21 Q. Yeah.</p> <p>22 What is a station bill?</p> <p>23 A. A station bill is posted on all vessels</p> <p>24 noting that -- during the time of an emergency or</p> <p>25 incidents, where that assigns a crew member or a</p>	<p style="text-align: right;">Page 112</p> <p>1 Moore - April 28, 2025</p> <p>2 separate section of the safety management system?</p> <p>3 A. I would have to reference it in there.</p> <p>4 Q. So you don't know?</p> <p>5 A. No, off the top of my head.</p> <p>6 THE VIDEOGRAPHER: We are going off the</p> <p>7 record. The time is 1:01 p.m.</p> <p>8 (There was a recess taken.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 111</p> <p>1 Moore - April 28, 2025</p> <p>2 person in addition to crew is reporting to, and their</p> <p>3 responsibilities in that role.</p> <p>4 Q. Is there a separate station bill for</p> <p>5 each vessel?</p> <p>6 A. There -- I don't know off the top of my</p> <p>7 head.</p> <p>8 Q. Yeah. I'm just trying to distinguish.</p> <p>9 Maybe there's a generic station bill that goes on</p> <p>10 every vessel, but there might be unique station bills</p> <p>11 for each vessel?</p> <p>12 A. Master would have to -- master would</p> <p>13 change it and have ultimate responsibility for</p> <p>14 assigning the said roles for the crews.</p> <p>15 Q. So that was going to be my next</p> <p>16 question, is who prepares the station bill?</p> <p>17 A. We have a -- the generic station bill</p> <p>18 that covers the roles of captain, down to -- in</p> <p>19 addition to crew, and then it would be up to the</p> <p>20 master each time they sail; and if they wanted to</p> <p>21 change it, they would have to change it and post it.</p> <p>22 Q. And is that a document that lives in</p> <p>23 this Helm system?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Do you know whether it's covered by any</p>	<p style="text-align: right;">Page 113</p> <p>1 Moore - April 28, 2025</p> <p>2 A F T E R N O O N S E S S I O N</p> <p>3 THE VIDEOGRAPHER: Beginning Media No.</p> <p>4 3. We are back on the record. The time is</p> <p>5 1:46 p.m.</p> <p>6 B R I A N M O O R E,</p> <p>7 Having been previously duly sworn was</p> <p>8 examined and testified further as follows:</p> <p>9 EXAMINATION BY MR. CHAPMAN: (Continued)</p> <p>10 Q. All right. Thank you.</p> <p>11 We were looking at Exhibit 4, and we</p> <p>12 were on the Section 6.13 on page 153.</p> <p>13 A. Okay.</p> <p>14 Q. Let's see. They're all bullets, but it</p> <p>15 looks like eight bullets down, it says the -- for the</p> <p>16 mate, captain/relief captain, his responsibilities</p> <p>17 are to act as a lookout and oversee lookouts --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- right?</p> <p>20 So what does it mean to oversee</p> <p>21 lookouts?</p> <p>22 MR. RODGERS: Same objection. He's not</p> <p>23 here as an expert, but he'll testify as to his</p> <p>24 knowledge.</p> <p>25 Go ahead.</p>

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<p style="text-align: right;">Page 114</p> <p>1 Moore - April 28, 2025</p> <p>2 A. I would say when to call out a lookout,</p> <p>3 if I'm putting myself in the captain's hat on here.</p> <p>4 Q. Have you ever assigned a lookout at any</p> <p>5 time while you were operating a vessel?</p> <p>6 A. I have, in restricted visibility.</p> <p>7 MR. RODGERS: What number is that?</p> <p>8 THE WITNESS: It's eighth bottom down --</p> <p>9 eighth bullet point down.</p> <p>10 MR. RODGERS: 613?</p> <p>11 THE WITNESS: Yes.</p> <p>12 Q. Is there any training on acting as a</p> <p>13 lookout or overseeing lookouts within the mate's</p> <p>14 responsibilities?</p> <p>15 A. No, there's no per se training. The</p> <p>16 officer of the watch would instruct the lookout to --</p> <p>17 what to look out for, where we're at, identify</p> <p>18 there's other vessels or buoys or anything that it</p> <p>19 might see further ahead of them that wouldn't be able</p> <p>20 to see them.</p> <p>21 Q. Yeah, that's great.</p> <p>22 My question, is that written down</p> <p>23 anywhere? I mean, is that part of the specific</p> <p>24 training or some other document that these are the</p> <p>25 things you need to look for?</p>	<p style="text-align: right;">Page 116</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. So there's a 2024 log, and it starts</p> <p>3 January 1 and ends December 31, right?</p> <p>4 A. If they're using it for that. The</p> <p>5 official logbook's in Helm that would -- we encourage</p> <p>6 them to use. The rough deck log would be for</p> <p>7 anything they write down. If they're sailing and</p> <p>8 need to jot down notes or anything else, that's</p> <p>9 the -- you know, then they can clean up when they get</p> <p>10 to the computer.</p> <p>11 Q. So I'm specifically interested in the</p> <p>12 logbook for 2024 on the MACKENZIE ROSE. Where is it</p> <p>13 now?</p> <p>14 A. I would have to check and see where it's</p> <p>15 at right now.</p> <p>16 Q. Did you give it to the lawyers?</p> <p>17 A. I don't recall.</p> <p>18 MR. RODGERS: What was that?</p> <p>19 THE WITNESS: The red logbook, the rough</p> <p>20 deck log.</p> <p>21 MR. RODGERS: No.</p> <p>22 What was his -- your question, Jim?</p> <p>23 I didn't mean you.</p> <p>24 MR. CHAPMAN: I said did you give it to</p> <p>25 your lawyers.</p>
<p style="text-align: right;">Page 115</p> <p>1 Moore - April 28, 2025</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. Under Safety/Operations, the fourth</p> <p>4 bullet there says Properly relieve (or be relieved)</p> <p>5 on watch and log it.</p> <p>6 Where are they to log it?</p> <p>7 A. They would log it either in the rough</p> <p>8 deck log or in Helm itself.</p> <p>9 Q. They could do it either way?</p> <p>10 A. Yeah.</p> <p>11 Q. The T -- the safety management system</p> <p>12 doesn't specify whether to always do it one way or</p> <p>13 the other, right?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Where is the rough deck log kept on the</p> <p>16 vessel?</p> <p>17 A. It's in the bridge, in the wheelhouse.</p> <p>18 Q. The deck log, I've seen a few pages of</p> <p>19 it that were produced -- the rough deck log, a few</p> <p>20 pages that were produced.</p> <p>21 It looks like it's one of those logbooks</p> <p>22 that has an entry for every page of the year or a</p> <p>23 page for every day of the year; is that right?</p> <p>24 A. Yeah, it's one of those red journal --</p> <p>25 red journal books.</p>	<p style="text-align: right;">Page 117</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Oh, okay. Okay.</p> <p>3 Q. So if you go over to the next page, 154.</p> <p>4 A. Yes.</p> <p>5 Q. At the very top, it says Ensure that all</p> <p>6 navigation is conducted clear of dangers and with due</p> <p>7 regard for prevailing conditions and vessel</p> <p>8 capabilities, including defining specific courses to</p> <p>9 be steered and any special precautions or</p> <p>10 instructions required of navigation personnel.</p> <p>11 In terms of defining specific courses to</p> <p>12 be steered, is there some place that that would be</p> <p>13 recorded?</p> <p>14 A. They would put that on the Rose Point,</p> <p>15 the electronic charting system. They would -- that's</p> <p>16 where it would have been logged.</p> <p>17 Q. Okay. And no place else?</p> <p>18 A. No. That -- once they got rid of the</p> <p>19 paper charts, they would -- eliminated the pencil in</p> <p>20 the chart.</p> <p>21 Q. Is Rose Point the vendor of the Rose</p> <p>22 Point charting system or navigation system?</p> <p>23 A. Yes.</p> <p>24 Q. So you subscribe to that as well?</p> <p>25 A. Correct.</p>

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<p style="text-align: right;">Page 118</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. And it -- does that also operate, I'll</p> <p>3 call it, in the cloud?</p> <p>4 A. Actually, I don't know. It's based --</p> <p>5 it's a computer program that you download to the said</p> <p>6 laptop, and so it's downloaded -- chart updates and</p> <p>7 everything else is downloaded directly to -- to the</p> <p>8 laptop itself.</p> <p>9 Q. Who's responsible for updating it?</p> <p>10 A. The master or mate.</p> <p>11 Q. So maybe my question's not clear, so I</p> <p>12 apologize for that.</p> <p>13 I'm trying to figure out, the Rose Point</p> <p>14 pushes out, I'll call them updates --</p> <p>15 A. Yes.</p> <p>16 Q. -- to the system from time to time. I</p> <p>17 don't know if they have like a regular release</p> <p>18 schedule, that sort of thing.</p> <p>19 Does that have to be downloaded to the</p> <p>20 laptop on the boat?</p> <p>21 A. Yes. It would be -- when you sync the</p> <p>22 program to get your weekly updates, it would also</p> <p>23 download any operational updates, from my knowledge.</p> <p>24 Q. And that's what, a weekly sync --</p> <p>25 A. It's --</p>	<p style="text-align: right;">Page 120</p> <p>1 Moore - April 28, 2025</p> <p>2 A. I don't know off the top of my head.</p> <p>3 Before and after the incident, I couldn't tell you.</p> <p>4 I know it was during the incident, but I would have</p> <p>5 to reference the time -- time stamp.</p> <p>6 Q. What was done with it --</p> <p>7 A. It was e-mailed --</p> <p>8 Q. -- once it was downloaded?</p> <p>9 A. It was e-mailed over to somebody in the</p> <p>10 Carver team.</p> <p>11 Q. Somebody with --</p> <p>12 A. Somebody in the Carver team, either</p> <p>13 Lenny or whomever.</p> <p>14 Q. Did anybody provide it to the Coast</p> <p>15 Guard?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know who?</p> <p>18 A. I believe Lenny did it.</p> <p>19 Q. Has anything been done, to your</p> <p>20 knowledge, to delete that information from the Rose</p> <p>21 Point system on the MACKENZIE ROSE?</p> <p>22 A. The Rose Point data backup is only for</p> <p>23 30 days. So that's why after a post-incident, we</p> <p>24 extract the file to save it as its entirety.</p> <p>25 Q. As part of your investigation, did you</p>
<p style="text-align: right;">Page 119</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. -- synchronization?</p> <p>3 A. It's up to the vessel, but it's to be</p> <p>4 done weekly, and you have to prompt it to do it.</p> <p>5 Q. So is there a specific day of the week?</p> <p>6 A. No.</p> <p>7 Q. Is the specificity around doing it on a</p> <p>8 weekly basis laid out somewhere in the safety</p> <p>9 management system?</p> <p>10 A. I believe so, but I -- correction. I</p> <p>11 don't know off the top of my -- off the top of my</p> <p>12 head.</p> <p>13 Q. Was anything downloaded from the Rose</p> <p>14 Point system on the MACKENZIE ROSE immediately after</p> <p>15 the allision with the bridge on June 15, 2024?</p> <p>16 A. The file -- the Rose Point screen</p> <p>17 display, like file format, was downloaded after they</p> <p>18 arrived in New York Harbor, and that's broken out</p> <p>19 in -- I believe it's in one-hour increments.</p> <p>20 Q. And how -- when you say it was</p> <p>21 downloaded, is that right --</p> <p>22 A. Yeah, correct.</p> <p>23 Q. -- if I understand that correctly?</p> <p>24 A. Yep.</p> <p>25 Q. So what duration was downloaded?</p>	<p style="text-align: right;">Page 121</p> <p>1 Moore - April 28, 2025</p> <p>2 review the Rose Point data once it was downloaded?</p> <p>3 A. I did.</p> <p>4 Q. And what did you observe relative to</p> <p>5 the --</p> <p>6 MR. RODGERS: Objection to form.</p> <p>7 You can answer if you remember.</p> <p>8 MR. CHAPMAN: Well, let me finish my</p> <p>9 question.</p> <p>10 MR. RODGERS: Sure.</p> <p>11 Q. What did you observe relative to the</p> <p>12 allision with the bridge from the Rose Point data?</p> <p>13 MR. RODGERS: Well, you know, just don't</p> <p>14 answer yet.</p> <p>15 THE WITNESS: Sure.</p> <p>16 MR. RODGERS: I'd prefer you show him</p> <p>17 the Rose Point data.</p> <p>18 MR. CHAPMAN: I don't have it. Okay?</p> <p>19 You guys haven't --</p> <p>20 MR. RODGERS: How can you not have it?</p> <p>21 MR. CHAPMAN: Because you haven't</p> <p>22 produced it.</p> <p>23 MR. RODGERS: We've produced it.</p> <p>24 MR. CHAPMAN: I have -- no, you didn't.</p> <p>25 I have the Rose Point data that runs all the way</p>

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<p style="text-align: right;">Page 122</p> <p>1 Moore - April 28, 2025</p> <p>2 up to about the Gilmerton reach in the southern</p> <p>3 branch of the Elizabeth River, and that's the</p> <p>4 last data. It never gets the vessel up to the</p> <p>5 bridge.</p> <p>6 So I'm just asking this witness what did</p> <p>7 he see.</p> <p>8 A. I would have to --</p> <p>9 MR. RODGERS: Go ahead. Yeah, if you</p> <p>10 remember what you saw, go ahead.</p> <p>11 A. It'd be better off to reference it</p> <p>12 again.</p> <p>13 Q. I'm just testing your memory of what --</p> <p>14 A. Yeah, which I -- I understand.</p> <p>15 Q. What do you remember?</p> <p>16 A. It was -- I remember him coming around</p> <p>17 and not having any -- any hard course changes and</p> <p>18 kind of just gradually [sic] constant radius turn</p> <p>19 right into it. But it doesn't overlay the length of</p> <p>20 the barge. It's not like a ship's overlay. It</p> <p>21 doesn't show you like true length, width. It just</p> <p>22 shows you the icon for the vessel.</p> <p>23 Q. Hitting the west pier of the bridge?</p> <p>24 MR. RODGERS: Objection.</p> <p>25 A. Into the area --</p>	<p style="text-align: right;">Page 124</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. And I don't know how definitive the Rose</p> <p>3 Point data is, but can you see it as it transits</p> <p>4 through the opening of the bridge through the</p> <p>5 channel?</p> <p>6 A. Yes.</p> <p>7 Q. And did it appear to contact either the</p> <p>8 western or the eastern fender when doing so?</p> <p>9 A. It was -- it favored the western end of</p> <p>10 the channel.</p> <p>11 Q. Could you tell whether it contacted the</p> <p>12 western fender?</p> <p>13 A. No, I can't from visual.</p> <p>14 Q. If you could turn to the next page which</p> <p>15 is, I think, Distracted Operations.</p> <p>16 A. Yep. 7.2.</p> <p>17 Q. Yeah, Section 7.2. And the reference is</p> <p>18 to Carver 908.</p> <p>19 MR. RODGERS: What number is -- 908?</p> <p>20 Okay. Got you.</p> <p>21 MR. CHAPMAN: 908, yeah.</p> <p>22 Q. So in the third sentence of that first</p> <p>23 paragraph, it says Examples of inattentive operations</p> <p>24 can include eating, drinking, smoking, use of</p> <p>25 personal electronics devices including</p>
<p style="text-align: right;">Page 123</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection. You're asking</p> <p>3 him if the Rose Point shows the hit?</p> <p>4 A. It doesn't --</p> <p>5 MR. RODGERS: Whatever you remember</p> <p>6 or -- you can answer.</p> <p>7 A. Right. It doesn't clearly show the</p> <p>8 icon.</p> <p>9 Q. It shows it tracking towards the west</p> <p>10 pier of the bridge?</p> <p>11 A. Close to the west pier where the --</p> <p>12 Q. And can you see the vessel then</p> <p>13 reversing and kind of backing away from the bridge?</p> <p>14 MR. RODGERS: On the Rose Point?</p> <p>15 MR. CHAPMAN: On the Rose Point, yes.</p> <p>16 A. Yes. It -- it tracks the whole thing,</p> <p>17 every minute.</p> <p>18 Q. But my question is very specific.</p> <p>19 Can you see on the Rose Point the vessel</p> <p>20 backing away from the western pier of the bridge?</p> <p>21 MR. RODGERS: On the Rose Point?</p> <p>22 A. Yeah, you could see the vessel backing</p> <p>23 away from the cluster of the bridge. It's -- it's</p> <p>24 not like it's definitive, but yes, it does back away</p> <p>25 after it.</p>	<p style="text-align: right;">Page 125</p> <p>1 Moore - April 28, 2025</p> <p>2 nontask-related cell phone use, and distractions that</p> <p>3 take you away from your primary duties/tasks for the</p> <p>4 safe operation of the vessel.</p> <p>5 So basically, Carver is spelling out</p> <p>6 those are not allowed during the vessel operation,</p> <p>7 right?</p> <p>8 A. Correct.</p> <p>9 Q. Is this section unique to the master or</p> <p>10 the officer of the watch?</p> <p>11 A. This would be for the officer of the</p> <p>12 watch.</p> <p>13 Q. Okay. Because I just -- I -- it didn't</p> <p>14 say that it was --</p> <p>15 A. True.</p> <p>16 Q. -- specifically, and that's what I'm</p> <p>17 trying to understand.</p> <p>18 A. Connection. It doesn't define that. It</p> <p>19 could be any of the crew members aboard the vessel,</p> <p>20 if it's a deckhand, engineer, or whatever it may be.</p> <p>21 Q. As part of your investigation with</p> <p>22 Mr. Baldassare, did you ever learn that Captain</p> <p>23 Morrissey was distracted in any way during his</p> <p>24 operation of the vessel as a cause of the allision?</p> <p>25 A. Not to my knowledge.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. Did you ask him to provide his cell</p> <p>3 phone to you to see whether it indicated whether he</p> <p>4 had been using it at the time of the allision?</p> <p>5 A. We did not.</p> <p>6 Q. Was any inquiry made of him whether he</p> <p>7 was eating, drinking -- I don't know whether he</p> <p>8 smokes or not, but -- or smoking at the time of the</p> <p>9 allision?</p> <p>10 A. I didn't do the interview, so Lenny</p> <p>11 would know that one.</p> <p>12 Q. Is there any requirement in this</p> <p>13 distracted operations to place your cell phone in</p> <p>14 airplane mode when you are the officer of the watch?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. So if you turn to the next page, which</p> <p>17 is -- starts with Carver 8998, and titled 7.3</p> <p>18 Master's Daily Vessel Reporting.</p> <p>19 I don't know whether there's actually a</p> <p>20 section in the TSMS titled 7.3 Master's Daily Vessel</p> <p>21 Reporting or if it's only this form that has to be</p> <p>22 filled out. Do you know?</p> <p>23 A. I believe this is the form number in</p> <p>24 Helm.</p> <p>25 Q. Yeah. No, I get that.</p>	<p>1 Moore - April 28, 2025</p> <p>2 red mark or some kind of notification --</p> <p>3 A. Correct.</p> <p>4 Q. -- that tells you that the form has not</p> <p>5 been completed?</p> <p>6 A. Correct.</p> <p>7 Q. And how soon after the day is over does</p> <p>8 that red mark appear?</p> <p>9 A. I don't know off the top of my head.</p> <p>10 Q. Who monitors that?</p> <p>11 A. Everybody has the opportunity to monitor</p> <p>12 it.</p> <p>13 Q. When you say everybody, you mean you do?</p> <p>14 A. Yeah. Everybody within the Carver</p> <p>15 Marine Towing division.</p> <p>16 Q. Okay. So Mr. Baldassare would?</p> <p>17 A. He would also have access to it, yes.</p> <p>18 Q. So just looking at this form, it looks</p> <p>19 like there's a number of fields that have to be</p> <p>20 filled out, and then they say, over on the right-hand</p> <p>21 side of each page, Required.</p> <p>22 Do you see that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And then there's a few that have --</p> <p>25 looks like a -- is this a drop-down menu? Like on</p>
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<p>1 Moore - April 28, 2025</p> <p>2 What I'm trying to figure out is whether</p> <p>3 there's a separate section in the TSMS that may have</p> <p>4 the title 7.3 Master's Daily Vessel Reporting.</p> <p>5 A. I don't know off the top of my head. I</p> <p>6 have to reference it.</p> <p>7 Q. So this is a -- I'll call it a blank</p> <p>8 form which has been printed out and it's kind of --</p> <p>9 nobody's entered any data in it, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And it runs through page 906, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. This is submitted in Helm every day,</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. Or should be?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And who at Carver reviews these forms</p> <p>19 for, I'll call it, compliance, right?</p> <p>20 A. They are -- it's not auto populated to a</p> <p>21 specific individual. They're just there for</p> <p>22 reference, and if it's not done by the captain or</p> <p>23 crew, it does get added -- flagged as incomplete, so</p> <p>24 then that would raise a flag of they didn't do it.</p> <p>25 Q. So in the Helm system, there's like a</p>	<p>1 Moore - April 28, 2025</p> <p>2 the page 899, it says Lookout?</p> <p>3 A. Lookout also has the options, 1.13.</p> <p>4 Q. Yeah. It looks like it's required to be</p> <p>5 filled out, if that's what that word required means,</p> <p>6 but that it's a drop-down or say which -- it says no,</p> <p>7 yes or N/A.</p> <p>8 A. Correct. To complete the form, all of</p> <p>9 the required boxes would have to be acknowledged.</p> <p>10 Q. So only to finish until you filled out</p> <p>11 all the required?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. So I presume N/A means not</p> <p>14 applicable?</p> <p>15 A. Yes.</p> <p>16 Q. Is --</p> <p>17 MR. RODGERS: I'm sorry. What Bates</p> <p>18 stamp number are you on?</p> <p>19 MR. CHAPMAN: 899.</p> <p>20 MR. RODGERS: 899?</p> <p>21 MR. CHAPMAN: Yeah.</p> <p>22 Q. And if the Lookout box is checked yes,</p> <p>23 then there should be somebody's name in the next box,</p> <p>24 1.14?</p> <p>25 A. Yes, sir.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. And the times that the lookout was on</p> <p>3 watch, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. There's not a regular review of these,</p> <p>6 like somebody sits down at the end of every week and</p> <p>7 checks how they --</p> <p>8 MR. RODGERS: Objection to form.</p> <p>9 Q. -- checks how they filled them out or</p> <p>10 that sort of thing?</p> <p>11 MR. RODGERS: Did you get -- did you get</p> <p>12 that?</p> <p>13 (The record was read.)</p> <p>14 MR. RODGERS: Okay. Objection, form.</p> <p>15 You can answer, Brian.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. RODGERS: Sorry.</p> <p>18 Sorry, Jim.</p> <p>19 A. I don't believe that there's somebody</p> <p>20 who individually looks at them.</p> <p>21 Q. Nobody is tasked with that</p> <p>22 responsibility?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Then it looks like on pages 905</p> <p>25 and 906, there's some certification requirement.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. So it's either the day of or the day</p> <p>3 before, depending on when it's filled out?</p> <p>4 A. Correct.</p> <p>5 Q. If you wanted to create a report or</p> <p>6 print out a period of time for the specific vessel,</p> <p>7 MACKENZIE ROSE, say nine months or ten months, what</p> <p>8 would you have to do in the Helm system to produce</p> <p>9 that?</p> <p>10 A. That would require a lot of work</p> <p>11 individually, I believe. You would have to go</p> <p>12 through each individual day and pull each individual</p> <p>13 log and save it as a PDF.</p> <p>14 Q. And when you save something as a PDF, is</p> <p>15 there like a Save to PDF button or how does that</p> <p>16 work?</p> <p>17 A. I would have to reference it again, but</p> <p>18 you can go to Print and then you can change your</p> <p>19 formatting from Printer to a PDF.</p> <p>20 Q. Okay. So if you could turn to the next</p> <p>21 Section 7.4 on Vessel Manning --</p> <p>22 A. Yes, sir.</p> <p>23 Q. -- which is Carver 909.</p> <p>24 I should ask. There's a few pages in</p> <p>25 here that have photographs imbedded in them.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. Correct.</p> <p>3 Q. And if I'm reading this correctly, on</p> <p>4 page 906, both the captain and the mate must sign</p> <p>5 this form, right?</p> <p>6 A. Yes.</p> <p>7 Q. So is there any place in this log where</p> <p>8 it's required to note an incident that has occurred</p> <p>9 during this date that it's being submitted for?</p> <p>10 A. No, not on this form. This form is done</p> <p>11 at the end -- correction, at the beginning of every</p> <p>12 day, prior to anything transpiring.</p> <p>13 Q. When you say at the beginning, like</p> <p>14 12:01 a.m.?</p> <p>15 A. Correct.</p> <p>16 Q. So it's really a review of the prior</p> <p>17 day?</p> <p>18 MR. RODGERS: Objection to form.</p> <p>19 MR. CHAPMAN: Good objection.</p> <p>20 Q. It's a log of the activities of the</p> <p>21 prior day; is that correct?</p> <p>22 A. I don't know if I could answer that</p> <p>23 correctly.</p> <p>24 Q. Well, it's a 24-hour log, right?</p> <p>25 A. Correct.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Are these photographs that Carver has</p> <p>3 included or are these photographs that whoever you</p> <p>4 buy the system from has included?</p> <p>5 A. These photographs are supplied by TBS.</p> <p>6 Q. Basically, this is just a direction that</p> <p>7 you have to man the vessel in accordance with the</p> <p>8 certificate of inspection, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Can you turn to Section 7.12. It is</p> <p>11 Carver Bates numbered 910.</p> <p>12 A. What section was that again?</p> <p>13 Q. It's called Bridge Transit, 7.12. It is</p> <p>14 towards the end of that document.</p> <p>15 A. And the Bates number was?</p> <p>16 Q. 910.</p> <p>17 It looks like this. There's a big</p> <p>18 yellow bar in the middle of it.</p> <p>19 A. Okay.</p> <p>20 Q. Found it?</p> <p>21 A. Bridge Transits. Yeah.</p> <p>22 Q. So I don't know what 7.10 or 7.11 say,</p> <p>23 but what's the reason for having a separate section</p> <p>24 in the safety management system regarding bridge</p> <p>25 transits?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection to form.</p> <p>3 You can answer if you know.</p> <p>4 A. I don't know.</p> <p>5 Q. Is it because they're a hazardous</p> <p>6 navigational system?</p> <p>7 MR. RODGERS: Objection.</p> <p>8 A. No.</p> <p>9 Q. So would you agree with me that every</p> <p>10 bridge has a certain width that you've got to pass</p> <p>11 the -- whatever you're -- whether it's your tug or</p> <p>12 you're pushing a barge through --</p> <p>13 A. Correct.</p> <p>14 Q. -- right?</p> <p>15 So it's a restricted channel?</p> <p>16 MR. RODGERS: Objection. He's not here</p> <p>17 as an expert.</p> <p>18 You can answer as to your knowledge.</p> <p>19 A. I wouldn't say it's a restricted</p> <p>20 channel.</p> <p>21 Q. You would not?</p> <p>22 A. No. It's an everyday navigational</p> <p>23 channel, especially in Norfolk or New York.</p> <p>24 Q. Have you operated a tug in the southern</p> <p>25 branch of the Elizabeth River?</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. More than one, correct.</p> <p>3 Q. More than two?</p> <p>4 A. More than two.</p> <p>5 Q. Was there any bridge planning that you</p> <p>6 know of or that you learned of during your</p> <p>7 investigation?</p> <p>8 MR. RODGERS: Objection to form.</p> <p>9 You can answer if you understand the</p> <p>10 question.</p> <p>11 A. They would have made radio contact with</p> <p>12 the bridge operators that are in the close --</p> <p>13 enclosed conditions. Other than that, it's a fairly</p> <p>14 open channel of water.</p> <p>15 Q. So was there any consideration that you</p> <p>16 know of given to assigning a crew member with a radio</p> <p>17 to the head of the tow?</p> <p>18 MR. RODGERS: Objection to form.</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. The vessel had handheld radios, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Right in the middle of that page,</p> <p>23 there's this kind of highlighted statement, sort of</p> <p>24 yellow or orange in color.</p> <p>25 It says Under no circumstances shall the</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. I have spent a lot of time in the</p> <p>3 southern branch.</p> <p>4 Q. And that's not for Carver, though?</p> <p>5 A. Yep. With K-Sea Transportation and Vane</p> <p>6 Brothers.</p> <p>7 Q. Okay. So there are -- do you know where</p> <p>8 they picked up this barge in Norfolk, or actually in</p> <p>9 Chesapeake?</p> <p>10 A. Reference to the area? Yes, I'm</p> <p>11 familiar with it, all the way down the -- near the</p> <p>12 end.</p> <p>13 Q. Yeah.</p> <p>14 So it was picked up at a company called</p> <p>15 Coastal Precast Systems.</p> <p>16 A. Correct.</p> <p>17 Q. A barge loaded with some kind of recast</p> <p>18 concrete --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- cargo, right?</p> <p>21 A. Yep.</p> <p>22 Q. And do you know how many bridges they</p> <p>23 had to transit to get out to the sea buoy?</p> <p>24 A. Not off the top of my head.</p> <p>25 Q. More than one?</p>	<p>1 Moore - April 28, 2025</p> <p>2 wheelman responsible for the transit make the bridge</p> <p>3 due to pressure or pride.</p> <p>4 What is the purpose of that statement?</p> <p>5 MR. RODGERS: Objection to form.</p> <p>6 You can answer.</p> <p>7 A. I don't know.</p> <p>8 Q. Well, if you were the operator of the</p> <p>9 tug and read that before you made a bridge transit,</p> <p>10 what would be your takeaway?</p> <p>11 MR. RODGERS: Objection. It calls for</p> <p>12 speculation and opinion.</p> <p>13 A. Well, I don't know how to answer that</p> <p>14 one.</p> <p>15 Q. I'm sorry?</p> <p>16 A. I don't know how to answer that one.</p> <p>17 Q. Well, so you're the general manager of</p> <p>18 Carver.</p> <p>19 A. Yes.</p> <p>20 Q. And you expect your employees to follow</p> <p>21 what's in this safety management system, right?</p> <p>22 A. Correct.</p> <p>23 Q. So what is your expectation about what</p> <p>24 they're going to do when it says Under no</p> <p>25 circumstances, shall the wheelman responsible for the</p>

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<p style="text-align: right;">Page 138</p> <p>1 Moore - April 28, 2025</p> <p>2 transit make the bridge due to pressure or pride?</p> <p>3 MR. RODGERS: Objection to form.</p> <p>4 A. The -- I'm --</p> <p>5 MR. RODGERS: Don't guess.</p> <p>6 THE WITNESS: Yep.</p> <p>7 MR. RODGERS: Whatever you know. Tell</p> <p>8 him what you know.</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know?</p> <p>11 A. I don't know what this statement would</p> <p>12 lean to.</p> <p>13 Q. Not even an inkling?</p> <p>14 MR. RODGERS: Objection. He's -- you're</p> <p>15 harassing the witness, Jim.</p> <p>16 A. I didn't build -- I didn't make this</p> <p>17 SMS, so it was here prior to me, so I'm not sure.</p> <p>18 Q. Have you ever reviewed the safety</p> <p>19 management system in your role as general manager?</p> <p>20 A. I've gone through it, yes.</p> <p>21 Q. So when you've gone through it in the</p> <p>22 past and you got to this place, what did it occur to</p> <p>23 you was meant by it?</p> <p>24 MR. RODGERS: Objection.</p> <p>25 A. This is just one sentence out of</p>	<p style="text-align: right;">Page 140</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Just to be clear, at the</p> <p>3 time of the incident?</p> <p>4 MR. CHAPMAN: Yes.</p> <p>5 MR. RODGERS: Okay. That's the question</p> <p>6 he's asking you.</p> <p>7 A. Yeah, I -- I don't know off the top of</p> <p>8 my head, to my knowledge.</p> <p>9 Q. Is that information contained in the</p> <p>10 Rose Point data that was downloaded?</p> <p>11 A. It is not.</p> <p>12 Q. Where would one obtain that information</p> <p>13 if you wanted to know whether the radar was in use at</p> <p>14 the time of the allision?</p> <p>15 A. I don't know where you would get that</p> <p>16 from.</p> <p>17 Q. Then the third bullet under During</p> <p>18 Transit, it says Post lookouts as necessary on the</p> <p>19 tow.</p> <p>20 Do you see that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is there any training provided by Carver</p> <p>23 regarding the circumstances under which lookouts</p> <p>24 should be posted as necessary on the tow during a</p> <p>25 bridge transit?</p>
<p style="text-align: right;">Page 139</p> <p>1 Moore - April 28, 2025</p> <p>2 thousands in this whole thing to review. So I don't</p> <p>3 have a clear definitive answer for this statement.</p> <p>4 Q. The section right underneath it is</p> <p>5 called Safety Briefing, on this page.</p> <p>6 Do you see that?</p> <p>7 A. Yep.</p> <p>8 Q. In your investigation with</p> <p>9 Mr. Baldassare, did you find that the -- a captain</p> <p>10 responsible for the transit through the belt line</p> <p>11 bridge on June 15th, 2024 briefed the crew on the</p> <p>12 planned transit?</p> <p>13 A. I would have to reference that with</p> <p>14 Lenny -- or refer that to Lenny, because it was</p> <p>15 during his initial interviews with the crews.</p> <p>16 Q. You didn't ask?</p> <p>17 A. No, I did not.</p> <p>18 Q. Do you know whether -- under the next</p> <p>19 section that says During the transit, the first</p> <p>20 bullet says Radar should be on and set to the proper</p> <p>21 range.</p> <p>22 Do you know whether the radar was in</p> <p>23 use?</p> <p>24 A. Not to my -- I -- I don't know, to my</p> <p>25 knowledge.</p>	<p style="text-align: right;">Page 141</p> <p>1 Moore - April 28, 2025</p> <p>2 A. I would have to reference the SMS on</p> <p>3 what the requirements would be for.</p> <p>4 Q. So there might be some other section of</p> <p>5 the SMS; is that what you're saying?</p> <p>6 A. It's possible. I would need to look</p> <p>7 into it.</p> <p>8 Q. So if you could turn to Section 7.5.</p> <p>9 It's a little before 7.12 there.</p> <p>10 A. Okay.</p> <p>11 Q. And the page is Carver 000816.</p> <p>12 MR. RODGERS: 7.15?</p> <p>13 MR. CHAPMAN: No. 7.5.</p> <p>14 MR. RODGERS: Oh, okay.</p> <p>15 A. Got it.</p> <p>16 Q. Okay. Towards the bottom of page 816,</p> <p>17 it says Towing vessels must be equipped with the</p> <p>18 following equipment as applicable to the area of</p> <p>19 operation. The first bullet is a fathometer.</p> <p>20 Is the MACKENZIE ROSE equipped with a</p> <p>21 fathometer?</p> <p>22 A. Correct.</p> <p>23 Q. And do you know whether it was in use at</p> <p>24 the time of the allision with the Belt Line Bridge?</p> <p>25 A. It's always in use. It doesn't turn</p>

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<p style="text-align: right;">Page 142</p> <p>1 Moore - April 28, 2025</p> <p>2 off.</p> <p>3 Q. Yeah.</p> <p>4 Is that reflected in the Rose Point</p> <p>5 data?</p> <p>6 A. No. They're not synced.</p> <p>7 Q. So -- but you -- but it -- to your</p> <p>8 knowledge, it's always on --</p> <p>9 A. Correct.</p> <p>10 Q. -- right?</p> <p>11 And what information will a fathometer</p> <p>12 tell you?</p> <p>13 A. The under keel clearance from the</p> <p>14 tugboat.</p> <p>15 Q. And do you know how deep draft the</p> <p>16 MACKENZIE ROSE is?</p> <p>17 A. At the time, no, I don't know. I have</p> <p>18 an idea. She drafts 15 to 16 feet.</p> <p>19 Q. And then the fathometer would tell you</p> <p>20 how much clearance there is underneath that keel</p> <p>21 draft --</p> <p>22 A. Correct.</p> <p>23 Q. -- to the bottom?</p> <p>24 A. Correct. To the sensor on the bottom.</p> <p>25 Q. And a little further down, it's like the</p>	<p style="text-align: right;">Page 144</p> <p>1 Moore - April 28, 2025</p> <p>2 Can you tell us what a TVR is.</p> <p>3 A. I don't know off the top of my head. I</p> <p>4 believe it's the old towing vessel record that they</p> <p>5 used to utilize before the digital logs.</p> <p>6 Q. Before what?</p> <p>7 A. Digital logs.</p> <p>8 Q. Okay. And then the official logbook, is</p> <p>9 it -- what is that?</p> <p>10 A. It would be Helm, the logbook entries in</p> <p>11 Helm.</p> <p>12 Q. So is the TVR the old deck log that sits</p> <p>13 in the wheelhouse?</p> <p>14 A. I -- from my history, I think -- believe</p> <p>15 the TVR is where -- the old blue logbook entries that</p> <p>16 you would submit every day as like a running deck</p> <p>17 log -- correction, as a running logbook entry.</p> <p>18 Q. So it would still be submitted</p> <p>19 electronically?</p> <p>20 A. TVRs were a hard copy blue book binder</p> <p>21 that was on the older towing vessels.</p> <p>22 Q. Okay. And then the last one, it says Or</p> <p>23 in accordance with the HSP applicable to the vessel.</p> <p>24 What is an HSP?</p> <p>25 A. I don't know. I'd have to look at the</p>
<p style="text-align: right;">Page 143</p> <p>1 Moore - April 28, 2025</p> <p>2 third bullet from the bottom, it says Radars --</p> <p>3 A. Yes, sir.</p> <p>4 Q. -- as a piece of equipment.</p> <p>5 Do you know how many radars there are on</p> <p>6 the MACKENZIE ROSE?</p> <p>7 A. There's two radars.</p> <p>8 Q. And the next bullet down, Handheld VHF.</p> <p>9 I assume that's a radio --</p> <p>10 A. Correct.</p> <p>11 Q. -- right?</p> <p>12 Do you know how many handheld VHFs the</p> <p>13 MACKENZIE ROSE has as a complement?</p> <p>14 A. More than two. I don't know exact</p> <p>15 number, though.</p> <p>16 Q. Okay. You can turn to the next page,</p> <p>17 please.</p> <p>18 In the first section there under</p> <p>19 Maintenance of Navigation Equipment, it looks like</p> <p>20 there's three paragraphs, but in the middle</p> <p>21 paragraph, the longer of the three, last sentence</p> <p>22 says The failure and subsequent repair or replacement</p> <p>23 of navigational safety equipment must be recorded.</p> <p>24 The record must be in the TVR, official logbook, or</p> <p>25 in accordance with the HSP applicable to the vessel.</p>	<p style="text-align: right;">Page 145</p> <p>1 Moore - April 28, 2025</p> <p>2 key, but I couldn't tell you exactly with that one.</p> <p>3 Q. So when you say the key, there's a key</p> <p>4 or a glossary or something for those --</p> <p>5 A. If there was one. You would have to</p> <p>6 find a reference somewhere else.</p> <p>7 Q. Okay. Then the next section says Use of</p> <p>8 auto pilot, (if equipped)?</p> <p>9 A. Yep.</p> <p>10 Q. So is there any time that an auto</p> <p>11 pilot -- that auto pilot use is prohibited by the</p> <p>12 company?</p> <p>13 MR. RODGERS: I'm sorry. By the SMS or</p> <p>14 some other group?</p> <p>15 MR. CHAPMAN: I'm just asking about</p> <p>16 Section 7.5 on navigation. It says use of auto</p> <p>17 pilot (if equipped).</p> <p>18 Q. Is there any time that the company</p> <p>19 prohibits the use of the auto pilot system?</p> <p>20 A. I would have to reference the SMS again.</p> <p>21 Q. You would agree with me that this</p> <p>22 section doesn't prohibit it, though; is that right?</p> <p>23 MR. RODGERS: Objection. Speaks for</p> <p>24 itself. Document speaks for itself. You can</p> <p>25 answer, if you read it and look at it.</p>

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<p style="text-align: right;">Page 146</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Right, I don't see anything in here that</p> <p>3 says that.</p> <p>4 Q. I'm sorry. What was your answer?</p> <p>5 A. Oh. So I don't see anything that says</p> <p>6 that.</p> <p>7 Q. Okay. It does call out that when it's</p> <p>8 used in three different situations, the master has to</p> <p>9 ensure several things identified in those three</p> <p>10 bullets, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Has the section on Use of Auto Pilot</p> <p>13 changed at all since June 15th, 2024?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Okay. The MACKENZIE ROSE is equipped</p> <p>16 with an auto pilot system, isn't it?</p> <p>17 A. Correct.</p> <p>18 Q. And it has two stations, right?</p> <p>19 A. Yes.</p> <p>20 Q. One in the wheelhouse and one in the</p> <p>21 upper wheelhouse?</p> <p>22 A. Correct.</p> <p>23 Q. And the next section titled Observing</p> <p>24 the "Lookout" Policy, which states -- it's got a --</p> <p>25 it looks like, in quotation marks, the company's</p>	<p style="text-align: right;">Page 148</p> <p>1 Moore - April 28, 2025</p> <p>2 What is the vessel to dispatcher</p> <p>3 communications procedure?</p> <p>4 A. I don't know of a procedure in this SMS</p> <p>5 for that.</p> <p>6 Q. Okay. Is there any logging of</p> <p>7 communications between the vessel and the dispatcher?</p> <p>8 A. There is not.</p> <p>9 Q. There's discussion or some information</p> <p>10 about electronic charts and publications on page 819</p> <p>11 of Section 7.5.</p> <p>12 A. Okay.</p> <p>13 Q. I understood your prior description of</p> <p>14 the Rose Point system is it has all of the charts in</p> <p>15 it, right?</p> <p>16 A. It has all the charts designated to the</p> <p>17 vessel's area, yes. You can download additional</p> <p>18 charts, if you were to transit somewhere else.</p> <p>19 Q. So was it confirmed that the vessel, the</p> <p>20 MACKENZIE ROSE, had the, I'll call them, necessary</p> <p>21 charts or the charts that covered this segment of the</p> <p>22 transit from Coastal Precast on the southern branch</p> <p>23 of Elizabeth River to wherever it was going in New</p> <p>24 Jersey?</p> <p>25 A. Yes. The captain would also, or the</p>
<p style="text-align: right;">Page 147</p> <p>1 Moore - April 28, 2025</p> <p>2 policy on lookouts, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And then it goes on to say that</p> <p>5 the vessel operator shall appoint and instruct a</p> <p>6 qualified person to perform lookout duties in any</p> <p>7 situation deemed appropriate by the operator.</p> <p>8 What training is the operator provided</p> <p>9 on making the determination as to whether it is</p> <p>10 appropriate to appoint a lookout?</p> <p>11 A. I would have to reference the SMS on</p> <p>12 that one directly.</p> <p>13 Q. Do you know if there's a section of this</p> <p>14 safety management system that covers training?</p> <p>15 A. I would have to reference it as well,</p> <p>16 too.</p> <p>17 Q. A little further down under this same</p> <p>18 section, it says In any situation he/she deems</p> <p>19 appropriate, the vessel captain on watch shall take</p> <p>20 precautions including, but not limited to, the</p> <p>21 following, and then there's, it looks like, seven</p> <p>22 bullets.</p> <p>23 And the fourth one is Communicating with</p> <p>24 the company dispatcher in accordance with the vessel</p> <p>25 to dispatcher communications procedure.</p>	<p style="text-align: right;">Page 149</p> <p>1 Moore - April 28, 2025</p> <p>2 mate, ensure that the -- prior to any voyage, that it</p> <p>3 has the appropriate charts -- every voyage it has the</p> <p>4 appropriate charts.</p> <p>5 Q. And does he log that somewhere?</p> <p>6 A. No. There is a -- no, there's no logs</p> <p>7 for that.</p> <p>8 Q. And how does he know that he has all the</p> <p>9 charts, then?</p> <p>10 A. He would probably -- well, assumption,</p> <p>11 but you would have to know where your origin and</p> <p>12 destination port is, and then scroll through Rose</p> <p>13 Point to ensure that every chart is there, from start</p> <p>14 to end.</p> <p>15 Q. So it's basically a manual check --</p> <p>16 A. Correct.</p> <p>17 Q. -- on what electronic information is in</p> <p>18 Rose Point?</p> <p>19 A. Correct.</p> <p>20 Q. And if he is missing a chart, what then?</p> <p>21 A. I would have to reference it, but you</p> <p>22 can then go into the chart catalogue and then</p> <p>23 download said chart that you need.</p> <p>24 Q. And the company pays the bill for that?</p> <p>25 A. Yeah.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. Moving to the Section 7.9 on</p> <p>3 Voyage Planning. It's the next one in there --</p> <p>4 A. Okay.</p> <p>5 Q. -- which is Carver 897.</p> <p>6 Do you have that?</p> <p>7 A. Yes.</p> <p>8 Q. It mentions in that first paragraph The</p> <p>9 Voyage Planning Data Book is to be used for the</p> <p>10 planning as well as the following.</p> <p>11 And what is the Voyage Planning Data</p> <p>12 Book?</p> <p>13 A. It is a form in -- within Helm that</p> <p>14 covers from Maine all the way down to Florida and the</p> <p>15 Gulf of Mexico region of particulars to look out for;</p> <p>16 bridges, navigation, obstructions, vessel traffic</p> <p>17 services, and other local knowledge that might be</p> <p>18 prudent to the voyage.</p> <p>19 Q. So it's a Helm form labeled 7.9 or</p> <p>20 something?</p> <p>21 A. Yeah. Not necessarily a form, but it is</p> <p>22 a document contained inside of Helm.</p> <p>23 Q. And does it have to be filled out in</p> <p>24 some way?</p> <p>25 A. That is not filled out. That is just a</p>	<p>1 Moore - April 28, 2025</p> <p>2 clearances (air gaps) for all bridges, ports and</p> <p>3 berthing areas.</p> <p>4 Is there some specific section of this</p> <p>5 data -- voyage planning data book that highlights all</p> <p>6 that or spells it out that you have to consider when</p> <p>7 you're making or planning a voyage?</p> <p>8 A. You would reference the voyage planning</p> <p>9 data book. As for the air drafts and horizontal</p> <p>10 clearances, that, I do not know, but you would</p> <p>11 reference the navigational chart.</p> <p>12 Q. Are the drafts, forward and after drafts</p> <p>13 of the barges or barge, actually recorded somewhere?</p> <p>14 A. I would have to reference into that,</p> <p>15 where they would enter that in.</p> <p>16 Q. Okay. The last two bullets in this</p> <p>17 section are The voyage plan is recorded on 7.9 Voyage</p> <p>18 Planning Form.</p> <p>19 So it sounds like there is a form to be</p> <p>20 filled out for the voyage planning?</p> <p>21 A. There is, but you would note your deep</p> <p>22 draft of the vessel --</p> <p>23 Q. Okay.</p> <p>24 A. -- not necessarily the barge, I believe.</p> <p>25 Q. The Voyage Planning Form, who fills that</p>
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<p>1 Moore - April 28, 2025</p> <p>2 document that they can open up and reference for</p> <p>3 their area.</p> <p>4 Q. Under the first bullet, it says</p> <p>5 Applicable information from nautical charts and</p> <p>6 publications. See paragraph (b) of some other</p> <p>7 section. I don't know what 164.72 is. But including</p> <p>8 Coast Pilot, Coast Guard Light List and Coast Guard</p> <p>9 Local Notice to Mariners for the port of departure,</p> <p>10 all ports of call and the destination.</p> <p>11 Do you know whether horizontal bridge</p> <p>12 clearances would be on either the charts or the Local</p> <p>13 Notice to Mariners or the Coast Pilot?</p> <p>14 A. The bridges you mentioned are located on</p> <p>15 all charts, navigation charts.</p> <p>16 Q. You can see basically where the channel</p> <p>17 opening is and then where the obstructions are, if</p> <p>18 there are any?</p> <p>19 A. Yeah, correct. Within the navigational</p> <p>20 channel, and it also identifies the air clearance,</p> <p>21 vertical clearance, horizontal clearance, and the</p> <p>22 type of bridge it is.</p> <p>23 Q. About midway down, the -- it looks like</p> <p>24 the fourth bullet says Forward and after drafts of</p> <p>25 the barge or barges and under keel and vertical</p>	<p>1 Moore - April 28, 2025</p> <p>2 out?</p> <p>3 A. The officer of the watch, if it's -- it</p> <p>4 could be the captain or the mate, whoever's doing it</p> <p>5 prior to departure.</p> <p>6 Q. Whoever the person that's on watch --</p> <p>7 A. Correct.</p> <p>8 Q. -- that has the license?</p> <p>9 A. Yep.</p> <p>10 Q. Okay. And then last, it says Conduct a</p> <p>11 risk assessment using 9.4 Risk Assessment form -- or</p> <p>12 excuse me, 9.4 Risk Assessment-GAR form.</p> <p>13 Do you know what that is?</p> <p>14 A. I know what the Risk Assessment form is.</p> <p>15 I don't know what -- I don't know what GAR stands</p> <p>16 for.</p> <p>17 Q. So is a Risk Assessment form something</p> <p>18 else that also has to be filled out?</p> <p>19 A. Only if it's outside of the ordinary</p> <p>20 operations.</p> <p>21 Q. And is there something that specifies</p> <p>22 when you have to fill out the Risk Assessment form</p> <p>23 and when it's not required?</p> <p>24 A. I would have to look at 9.14, the risk</p> <p>25 assessment.</p>

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<p style="text-align: right;">Page 154</p> <p>Moore - April 28, 2025</p> <p>Q. You said 9.14?</p> <p>A. Oh, sorry. Correction.</p> <p>9.4. I would have to reference the risk assessment.</p> <p>Q. Okay. Well, that wasn't in the documents that were produced, so we'll figure that out.</p> <p>So the next section is 7.9K titled Navigation Watch Assessment, Norfolk, Virginia Data.</p> <p>Do you see that?</p> <p>A. Yes, sir.</p> <p>Q. Starts on page Carver 000194, right?</p> <p>A. Yes.</p> <p>Q. So we looked at 7.9, Bridge Planning, and now we're kind of -- the next thing that was produced to us, anyway, was 7.9K, which looks like it covers just Norfolk, Virginia, and the southern branch; is that right?</p> <p>A. Yes, I believe so.</p> <p>Q. It looks to me like it includes a few bridges in Norfolk or along the southern branch; is that correct?</p> <p>A. Yes.</p> <p>Q. And it looks like the -- it starts with</p>	<p style="text-align: right;">Page 156</p> <p>Moore - April 28, 2025</p> <p>transit from Coastal Precast Systems, the barge being pushed by the tug had to transit from the Gilmerton Bridge or through the Gilmerton Bridge, through the Norfolk Southern Railway Bridge, through the Jordan Bridge and ultimately, to arrive at the Norfolk and Portsmouth Belt Line Bridge, that would involve a transit of a little over five miles, assuming those mile marker locations are correct?</p> <p>A. Correct.</p> <p>Q. Okay. And during your investigation, did you learn anything about the speed of the MACKENZIE ROSE while it was made up and pushing gear to the barge from when it left the dock at Coastal Precast to up until it allided with the bridge?</p> <p>A. I would have to reference the Rose Point data. I don't remember it specifically.</p> <p>Q. That would -- that is a data point that would be contained in the Rose Point data?</p> <p>A. Correct.</p> <p>Q. And do you know how often that data is captured in Rose Point? Like is it every minute, every 30 seconds, or do you know?</p> <p>A. It's very frequent. I don't know exactly how many seconds in between.</p>
<p style="text-align: right;">Page 155</p> <p>Moore - April 28, 2025</p> <p>the Norfolk and Portsmouth Belt Line Bridge, right?</p> <p>A. Yes.</p> <p>Q. And that's at mile marker 9.9, right?</p> <p>A. Correct.</p> <p>Q. And mile marker 9.9 is with reference to what?</p> <p>A. That one, I do not know off the top of my head.</p> <p>Q. Okay. But -- and that's measured in nautical miles, isn't it?</p> <p>A. Mile markers on the intercoastal I believe are measured in statute miles.</p> <p>Q. Statute miles?</p> <p>A. Correct.</p> <p>Q. Okay.</p> <p>A. And then -- it's an assumption, but...</p> <p>Q. All right. So -- then the next page has got the Jordan Bridge and the Norfolk Southern Railway Bridge, and then the last two on the following page are the Gilmerton Bridge and the I-64 Bridge, and the location of each bridge. The mile marker location is stated for each, right?</p> <p>A. Correct.</p> <p>Q. So if I told you that during this</p>	<p style="text-align: right;">Page 157</p> <p>Moore - April 28, 2025</p> <p>Q. And I think you said earlier you can look at it in like one hour chunks --</p> <p>A. Correct.</p> <p>Q. -- right? Okay.</p> <p>Incident to your investigation, did you ever see any video of the barge in operation before it allided with the bridge?</p> <p>MR. RODGERS: Before he met with his attorneys?</p> <p>MR. CHAPMAN: Yeah. I'm asking during his investigation.</p> <p>MR. RODGERS: Okay.</p> <p>MR. CHAPMAN: Yeah.</p> <p>A. Yeah, only with counsel that I had seen the --</p> <p>MR. RODGERS: All right. No, that's what you looked at.</p> <p>MR. CHAPMAN: That's fine.</p> <p>MR. RODGERS: So just -- I'm sorry, Jim. So he's clear, you didn't -- during your investigation, you didn't look at the video?</p> <p>THE WITNESS: I seen the video after the fact with counsel.</p> <p>MR. RODGERS: Okay.</p>

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<p style="text-align: right;">Page 158</p> <p>1 Moore - April 28, 2025</p> <p>2 THE WITNESS: That wasn't provided</p> <p>3 before that to me.</p> <p>4 Q. Okay. If you could look on page 199 of</p> <p>5 Section 7.9K. At the very end, it has something</p> <p>6 that's called a Disclaimer. 7.9.K.9, Disclaimer?</p> <p>7 A. Yes, sir.</p> <p>8 Q. So is that a disclaimer that the --</p> <p>9 this, you know, marine safety and compliance group,</p> <p>10 TBS group, whoever supplied this system to you</p> <p>11 included, or is this a disclaimer by Carver that is</p> <p>12 included in its own safety management system?</p> <p>13 A. This all came directly from Tug & Barge,</p> <p>14 TBS, Tug & Barge Solutions.</p> <p>15 Q. Okay. So then the next section is 7.9P,</p> <p>16 starting at page Carver 000201.</p> <p>17 A. Yes, sir.</p> <p>18 Q. It says Safety Management Form, 7.9P,</p> <p>19 Navigation watch assessment in Norfolk, Virginia to</p> <p>20 North Carolina/South Carolina state line data.</p> <p>21 So it looks like it covers about 340</p> <p>22 miles of the intercoastal from mile marker zero down</p> <p>23 to mile marker 340.8; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. So is this the voyage planning data</p>	<p style="text-align: right;">Page 160</p> <p>1 Moore - April 28, 2025</p> <p>2 not in a navigation channel should be -- is</p> <p>3 important.</p> <p>4 Q. Okay. So are there other parts of this</p> <p>5 SMS that describe other areas that don't involve</p> <p>6 bridges, to your knowledge, that are important to the</p> <p>7 navigation of the vessel?</p> <p>8 A. In reference to like?</p> <p>9 Q. Safety.</p> <p>10 MR. RODGERS: Objection to form.</p> <p>11 A. I -- there's a lot of it in the SMS, so</p> <p>12 I would have to reference to what it may be. I don't</p> <p>13 know -- I don't know that off -- it's like</p> <p>14 open-ended. I don't know.</p> <p>15 Q. Well, what other things would you think</p> <p>16 are important besides bridge transits --</p> <p>17 MR. RODGERS: Objection --</p> <p>18 Q. -- relative to the safety of vessel</p> <p>19 operations?</p> <p>20 MR. RODGERS: Objection to form. You</p> <p>21 can answer if you understand the question.</p> <p>22 A. To me, also drills, compliance of the</p> <p>23 vessel to ensure that it's safe and sea-worthy.</p> <p>24 Q. Yeah. I'm more focused on the voyage</p> <p>25 itself, like what other --</p>
<p style="text-align: right;">Page 159</p> <p>1 Moore - April 28, 2025</p> <p>2 book?</p> <p>3 MR. RODGERS: I'm sorry -- could you --</p> <p>4 is what the voyage, that page?</p> <p>5 MR. CHAPMAN: Well, these pages, which</p> <p>6 start at 201 and go through -- it says it's 26</p> <p>7 pages long. So it says at the bottom page 1 of</p> <p>8 26, and then it runs through 26 of 26, from</p> <p>9 Carver 000201 through Carver 000226.</p> <p>10 Q. I'm just trying to understand if this is</p> <p>11 the document that's referenced in 7.9, Voyage</p> <p>12 Planning, as the planning data book.</p> <p>13 A. To the best of my knowledge it is, yes.</p> <p>14 Q. Okay. And it appears to provide</p> <p>15 essentially the same information about those first</p> <p>16 few pages that we looked at in 7.9K, but continues</p> <p>17 all the way down to the South Carolina line, like</p> <p>18 every bridge that could be encountered?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. There's a lot of information</p> <p>21 that's provided about bridges in this TSMS. It makes</p> <p>22 me think it's important to the safe operation of the</p> <p>23 tug.</p> <p>24 A. Well, there's a lot of bridges in every</p> <p>25 part of a navigation channel. All -- anything that's</p>	<p style="text-align: right;">Page 161</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Weather.</p> <p>3 Q. -- call them hazards, obstructions,</p> <p>4 whatever you want to call them, right?</p> <p>5 A. Yeah, that would be noted on the chart</p> <p>6 itself. But weather planning, anything that might</p> <p>7 occur in VTS manuals. So there's a lot of -- in this</p> <p>8 industry, there's a lot of hazards that -- if you</p> <p>9 look at them, that you take in your daily -- you take</p> <p>10 in your daily operations when you're providing a safe</p> <p>11 navigation.</p> <p>12 Q. So bridges are just one of them?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 All right. Now, if you could go to the</p> <p>16 end of that. I've already asked some questions about</p> <p>17 7.12 on Bridge Transits, which is the next section.</p> <p>18 A. Yes, sir.</p> <p>19 Q. And the very next page is Section 7.16</p> <p>20 on Lookouts, which is Carver 000155.</p> <p>21 Do you have that there?</p> <p>22 A. Yes.</p> <p>23 Q. Under the second section there, it says</p> <p>24 Requirements for a Lookout.</p> <p>25 A. Yes.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. It's got six bullets to consider. In --</p> <p>3 I'm just reading this. In determining the</p> <p>4 requirement for a lookout, the person in charge of</p> <p>5 the navigation watch must take full account of the</p> <p>6 relevant factors including, but not limited to, and</p> <p>7 then there's six bullets.</p> <p>8 And I want to ask you about the fourth</p> <p>9 one there, which is Proximity of dangers to</p> <p>10 navigation.</p> <p>11 A. Okay.</p> <p>12 Q. So what is a danger to navigation?</p> <p>13 MR. RODGERS: Objection. He's not here</p> <p>14 as an expert witness.</p> <p>15 Are you asking him his understanding?</p> <p>16 MR. CHAPMAN: Well, I'm just asking him</p> <p>17 as the general manager of the company, what's a</p> <p>18 danger to navigation in their line of business?</p> <p>19 MR. RODGERS: Objection.</p> <p>20 You can answer as to your understanding,</p> <p>21 if you have any.</p> <p>22 A. Anything that is a risk to people,</p> <p>23 property or environment.</p> <p>24 Q. Would that include bridges?</p> <p>25 MR. RODGERS: Objection to form.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Yes?</p> <p>3 A. Yes.</p> <p>4 Q. My question is really simple.</p> <p>5 Is a bridge a danger to navigation?</p> <p>6 MR. RODGERS: Objection. He's not here</p> <p>7 as an expert. He's here in his capacity at</p> <p>8 Carver.</p> <p>9 You're asking him expert testimony, and</p> <p>10 you're being argumentative.</p> <p>11 MR. CHAPMAN: I'm just trying to get an</p> <p>12 answer, sir.</p> <p>13 MR. RODGERS: Well, I already told him</p> <p>14 not to answer, if it's going to be an opinion.</p> <p>15 MR. CHAPMAN: So is -- are you</p> <p>16 instructing --</p> <p>17 MR. RODGERS: He's already told you he</p> <p>18 doesn't -- he told you he doesn't have an</p> <p>19 answer, then you're argumentative. So he's</p> <p>20 answered the question.</p> <p>21 MR. CHAPMAN: Are you instructing the</p> <p>22 witness not to answer the question?</p> <p>23 MR. RODGERS: I already did, and he</p> <p>24 already answered the question, so I think it's</p> <p>25 moot.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. It's part of their regular navigation</p> <p>3 that they incur every day.</p> <p>4 Q. But they present a danger to navigation,</p> <p>5 don't they?</p> <p>6 MR. RODGERS: Objection, argumentative.</p> <p>7 Objection.</p> <p>8 You can answer if you understand.</p> <p>9 A. I don't understand.</p> <p>10 Q. You don't understand a bridge as being a</p> <p>11 danger to navigation?</p> <p>12 MR. RODGERS: Objection, argumentative.</p> <p>13 You're harassing the witness now.</p> <p>14 A. I don't know how to answer that one.</p> <p>15 (DIR)</p> <p>16 MR. RODGERS: Objection. No -- just</p> <p>17 don't answer.</p> <p>18 You're asking his opinion. He's not</p> <p>19 here as an expert.</p> <p>20 Q. This is Carver's safety management</p> <p>21 system, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And under this section on</p> <p>24 Requirements for Lookout, one of the things to</p> <p>25 consider is the proximity of dangers to navigation.</p>	<p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: Well, I disagree. He has</p> <p>3 not answered the question.</p> <p>4 A. Well, I think if you look at all the</p> <p>5 factors into this, but not limited to, like it says,</p> <p>6 that you're taking all of this into your daily</p> <p>7 prudent navigational assessment of something; that</p> <p>8 you're going to look at everything as a danger. It's</p> <p>9 including recreational vessels, including the</p> <p>10 weather, including whatever it may be, from A to B,</p> <p>11 and as long as it's part of on the water, then</p> <p>12 everything is to be looked at independently.</p> <p>13 Q. Including bridges?</p> <p>14 MR. RODGERS: Objection to form.</p> <p>15 A. It doesn't say that. So I don't know</p> <p>16 how to reference what the proximity of the dangers to</p> <p>17 navigation would be.</p> <p>18 Q. What training is provided to the officer</p> <p>19 of the watch regarding dangers to navigation and the</p> <p>20 need to post a lookout?</p> <p>21 MR. RODGERS: Objection to form.</p> <p>22 A. You would have to look at -- further</p> <p>23 into the SMS to see what defines it.</p> <p>24 Q. Could you turn to Section 8.8, which I</p> <p>25 think is the next page --</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. -- Carver 000162.</p> <p>4 During the course of your investigation,</p> <p>5 did you learn whether there had been any kind of</p> <p>6 failure of steering that caused the allision?</p> <p>7 A. No, not to my knowledge that there was</p> <p>8 any failure of it.</p> <p>9 Q. Had there been any problems with the</p> <p>10 auto pilot system on the MACKENZIE ROSE in the months</p> <p>11 in 2024 preceding the allision on June 15th, 2024?</p> <p>12 A. There were some instances where we --</p> <p>13 that the crews noted deficiencies in the auto pilot</p> <p>14 system. So dating back to, I don't know, late '23</p> <p>15 that we started working on it and addressing it.</p> <p>16 Then they were in -- they weren't</p> <p>17 consistent, so -- and then when we replaced the</p> <p>18 system in April, the whole -- I believe it was April,</p> <p>19 that's when the inconsistencies started to go away,</p> <p>20 and we didn't have any other issues with the auto</p> <p>21 pilot since then.</p> <p>22 Q. So when -- you said the auto pilot</p> <p>23 system was replaced in April of 2024?</p> <p>24 A. It started in -- I believe it started in</p> <p>25 November with technicians, and then ended up in April</p>	<p>1 Moore - April 28, 2025</p> <p>2 right?</p> <p>3 A. I believe so, to the best of my</p> <p>4 knowledge.</p> <p>5 Q. So at the very top of page 163, it says</p> <p>6 Reporting Priorities in a -- kind of a callout box</p> <p>7 that is orange-ish in color.</p> <p>8 There's a call-out box that's orange-ish</p> <p>9 in color, right?</p> <p>10 It says The master will notify the</p> <p>11 office as soon as practicable after a marine</p> <p>12 casualty.</p> <p>13 And then The master will notify the</p> <p>14 nearest Coast Guard unit as soon as practicable after</p> <p>15 a marine casualty.</p> <p>16 And it looks like it's -- those are two</p> <p>17 obligations of the master, right?</p> <p>18 A. Okay.</p> <p>19 Q. So who was the master of the MACKENZIE</p> <p>20 ROSE on the date of the casualty, the date of the</p> <p>21 allision with the Belt Line Bridge?</p> <p>22 A. The master was -- oh, I don't -- I'm</p> <p>23 drawing a blank of his name right now.</p> <p>24 Q. The deceased --</p> <p>25 A. Yes.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 with some various techs to come aboard and to go</p> <p>3 through the system to groom it up.</p> <p>4 Q. And there were no problems with it</p> <p>5 thereafter?</p> <p>6 A. No, sir.</p> <p>7 Q. Could you turn to the next section,</p> <p>8 which is titled 9.5, Accident/Incident Reporting.</p> <p>9 A. Right.</p> <p>10 Q. And it begins with Carver 000163 through</p> <p>11 Carver 000169.</p> <p>12 Now, we looked at a report earlier which</p> <p>13 was marked Exhibit 3.</p> <p>14 A. Okay.</p> <p>15 Q. You still have that there --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- right?</p> <p>18 And at the top it says 9.5, Incident</p> <p>19 Report. That's the report when Captain Morrissey,</p> <p>20 while operating the MACKENZIE ROSE, allided with the</p> <p>21 pier in Charleston, right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So that report looks like it's</p> <p>24 related to this section of the safety management</p> <p>25 system on accident and incident reporting; is that</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. The deceased, Captain Miller?</p> <p>3 A. Chris. Chris Miller.</p> <p>4 Q. Okay.</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. So it was his obligation to</p> <p>7 notify the office, right?</p> <p>8 A. Yes.</p> <p>9 Q. And then it was his obligation to notify</p> <p>10 the Coast Guard, right?</p> <p>11 MR. RODGERS: Objection to form.</p> <p>12 Q. That's what it says in your 9.5.</p> <p>13 A. Yeah. Then it also says The master may</p> <p>14 designate the reporting to another person of the</p> <p>15 crew. Yeah.</p> <p>16 Q. It doesn't relieve the master of the</p> <p>17 responsibility of notifying the Coast Guard, correct?</p> <p>18 MR. RODGERS: Objection. Argumentative.</p> <p>19 The document speaks for itself.</p> <p>20 Q. Right?</p> <p>21 A. Oh. Well, looking at this, it's also</p> <p>22 common practice for a person at shore to do it as</p> <p>23 well, because the master has to regain control of his</p> <p>24 vessel if there's a larger issue. So usually, the</p> <p>25 shore side of any company will notify it.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. It says The master may designate the</p> <p>3 reporting to another person on the crew if it is not</p> <p>4 practical for him/her to make the reports.</p> <p>5 It doesn't say that the master may</p> <p>6 designate the reporting to another person not in the</p> <p>7 crew, correct?</p> <p>8 A. It does not say that.</p> <p>9 Q. Okay. So was the master of the</p> <p>10 MACKENZIE ROSE the first person to notify</p> <p>11 Mr. Baldassare?</p> <p>12 A. That, I don't know.</p> <p>13 Q. It is fair to say the master never</p> <p>14 notified the Coast Guard of the allision with the</p> <p>15 bridge, correct?</p> <p>16 MR. RODGERS: Objection. You're talking</p> <p>17 about on the day of?</p> <p>18 MR. CHAPMAN: On the day of.</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Okay. So below that orange-ish box, it</p> <p>21 looks like 46 CFR 4.03-1 regarding Marine Casualty or</p> <p>22 Incident is reprinted verbatim, right?</p> <p>23 A. Yes, sir.</p> <p>24 MR. RODGERS: What is the doc -- the</p> <p>25 Bates number?</p>	<p>1 Moore - April 28, 2025</p> <p>2 system.</p> <p>3 Q. Just so I'm clear, you're taking the</p> <p>4 position that because it was only reported to you or</p> <p>5 to Mr. Baldassare that the vessel allided with the</p> <p>6 fendering system, that it wasn't required to report</p> <p>7 that to the Coast Guard at that instant in time?</p> <p>8 MR. RODGERS: Objection to form. You're</p> <p>9 asking for his opinion or what he did?</p> <p>10 MR. CHAPMAN: I'm asking to understand</p> <p>11 why the Coast Guard wasn't contacted --</p> <p>12 MR. RODGERS: Okay. Coast Guard --</p> <p>13 MR. CHAPMAN: -- in the context of this</p> <p>14 regulation and --</p> <p>15 MR. RODGERS: You don't know if the</p> <p>16 Coast Guard was contacted or not because you</p> <p>17 haven't deposed everybody. So you know, if you</p> <p>18 want to argue with him, you're assuming a fact</p> <p>19 not into evidence yet, as to who and when</p> <p>20 Lieutenant Palomba was either called or who she</p> <p>21 called, which has not been established yet by</p> <p>22 actual knowledge.</p> <p>23 A. But also on here it just says Allision</p> <p>24 of a bridge that creates a hazard to navigation, the</p> <p>25 environment or safety of the vessel -- creates a</p>
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<p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: Carver 000163.</p> <p>3 MR. RODGERS: 168? No?</p> <p>4 MR. CHAPMAN: No, 163.</p> <p>5 Q. And it describes what the -- a marine</p> <p>6 casualty or incident is, and it talks about the need</p> <p>7 to report them, correct?</p> <p>8 A. Yes.</p> <p>9 Q. So under, it looks like, paragraph No. 4</p> <p>10 on that page, towards the bottom, it says Any</p> <p>11 incident described below (from 46 CFR 4.05-1(a).</p> <p>12 That's a mouthful.</p> <p>13 But the very first one is An unintended</p> <p>14 grounding, or an unintended strike of a bridge,</p> <p>15 right?</p> <p>16 You see that?</p> <p>17 A. Yes.</p> <p>18 Q. So this is not based on whether there</p> <p>19 was any visible damage, observable damage or like</p> <p>20 wheel damage, it's just if there is an allision, it</p> <p>21 has to be reported, right?</p> <p>22 MR. RODGERS: Objection. The document</p> <p>23 speaks for itself.</p> <p>24 Q. Correct?</p> <p>25 A. With a bridge separate from a fendering</p>	<p>1 Moore - April 28, 2025</p> <p>2 hazard to navigation -- a hazard to navigation, the</p> <p>3 equipment or the safety of the vessel or that meets</p> <p>4 any creditation of paragraphs (a)(3) through 8.</p> <p>5 Q. So you're reading at subnumeral iis?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And it starts with An unintend -- excuse</p> <p>8 me, An intended grounding or an intended strike of a</p> <p>9 bridge. Right?</p> <p>10 Are you saying that Captain Morrissey</p> <p>11 intended to strike the Belt Line Bridge?</p> <p>12 MR. RODGERS: Objection. Argumentative.</p> <p>13 He's not here as an expert.</p> <p>14 MR. CHAPMAN: Well, he's the one who</p> <p>15 read it to me. I'm just trying to understand --</p> <p>16 MR. RODGERS: All right. Well, it's --</p> <p>17 MR. CHAPMAN: -- the reasons for that.</p> <p>18 MR. RODGERS: He's not here as an</p> <p>19 expert. He's here as a fact witness. Please</p> <p>20 ask him what he knows.</p> <p>21 A. Right. So I was just reading this. So</p> <p>22 by reading the first section of i versus iis.</p> <p>23 So it would have to be looked into</p> <p>24 further.</p> <p>25 Q. Do you have any information that Captain</p>

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<p style="text-align: right;">Page 174</p> <p>1 Moore - April 28, 2025</p> <p>2 Morrissey intended to strike the bridge?</p> <p>3 A. No.</p> <p>4 Q. So your investigation informs you that</p> <p>5 it was an unintended strike of the bridge?</p> <p>6 A. Yes.</p> <p>7 Q. And as an unintended strike of the</p> <p>8 bridge, your safety management system obligates you</p> <p>9 to follow the Code of Federal Regulations to</p> <p>10 immediately notify the Coast Guard, doesn't it?</p> <p>11 MR. RODGERS: Objection. There's no</p> <p>12 evidence that the company did not notify the</p> <p>13 Coast Guard.</p> <p>14 A. I didn't notify the Coast Guard.</p> <p>15 Q. Did anybody on behalf of Carver notify</p> <p>16 the Coast Guard?</p> <p>17 MR. RODGERS: If you know. Don't guess.</p> <p>18 A. I don't know.</p> <p>19 Q. If you could turn to the next page,</p> <p>20 Carver 000164.</p> <p>21 A. Okay.</p> <p>22 Q. About two-thirds of the way down in the</p> <p>23 page, it says -- there's a heading called Notice of</p> <p>24 Marine Casualty --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 Moore - April 28, 2025</p> <p>2 concerns for the vessel or the barge or the crew</p> <p>3 resulting from the allision with the bridge on</p> <p>4 June 15th, 2024?</p> <p>5 A. No.</p> <p>6 Q. So there is a -- kind of a flowchart on</p> <p>7 page 00166.</p> <p>8 Do you see that?</p> <p>9 A. Yep.</p> <p>10 Q. Okay. And it looks like it pertains to,</p> <p>11 you know, if there's damage to the towing vessel or</p> <p>12 the barges or an allision with a fixed object or an</p> <p>13 aid to navigation, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And this is sort of a flowchart of what</p> <p>16 to do --</p> <p>17 A. Yes.</p> <p>18 Q. -- right?</p> <p>19 And who is this directed to? Who's</p> <p>20 supposed to follow this flowchart when this happens?</p> <p>21 A. I don't know. It doesn't clearly</p> <p>22 identify that.</p> <p>23 Q. So it's not a very clear flowchart in</p> <p>24 terms of who's responsible for this?</p> <p>25 A. This one does not say it.</p>
<p style="text-align: right;">Page 175</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. 46 CFR 4.05-1.</p> <p>3 So in Section A, it says Immediately</p> <p>4 after the addressing the resultant safety concerns,</p> <p>5 the owner, agent, master, operator, or person in</p> <p>6 charge shall notify the nearest sector office, marine</p> <p>7 inspection office, or Coast Guard group office</p> <p>8 wherever a vessel is involved in a marine casualty</p> <p>9 consisting in section 1, an unintended grounding or</p> <p>10 an unintended strike of (allision with) a bridge.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Did anyone, to your knowledge, on behalf</p> <p>14 of Carver or the vessel, notify any of those Coast</p> <p>15 Guard operations immediately after addressing</p> <p>16 resultant safety concerns from the --</p> <p>17 MR. RODGERS: Same objection.</p> <p>18 Q. -- from the allision on June 15th, 2024?</p> <p>19 A. I didn't notify any of these identified</p> <p>20 groups, so I don't know who was --</p> <p>21 Q. And my question was a little broader</p> <p>22 than that; if you know of anybody on behalf of Carver</p> <p>23 that did that.</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Okay. Were there any resultant safety</p>	<p style="text-align: right;">Page 177</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. I'm sorry?</p> <p>3 A. It does not say it.</p> <p>4 Q. So a lot of these boxes are green or</p> <p>5 shades of green, but there's one kind of in the</p> <p>6 middle of the -- near the top, but in the color</p> <p>7 scheme, looks like it's sort of yellowish --</p> <p>8 A. Yes.</p> <p>9 Q. -- that says file SMF 9.2, Near Miss</p> <p>10 Report?</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. So what is an SMF?</p> <p>14 A. I do not know what SMF is.</p> <p>15 Q. Okay. And at the very bottom in red, it</p> <p>16 says Fill out SMF 9.5 Incident Report, right?</p> <p>17 A. Yes.</p> <p>18 Q. Is an SMF 9.5 different from an SMF 9.2?</p> <p>19 A. There are two different reports.</p> <p>20 There's incident reports and there's incident -- I'm</p> <p>21 sorry, there's near miss reports and then there's</p> <p>22 incident reports.</p> <p>23 Q. And is a near miss report a 9.2 report?</p> <p>24 A. Yes.</p> <p>25 Q. And an incident report is a 9.5 report?</p>

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<p style="text-align: right;">Page 178</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Correct.</p> <p>3 Q. And we saw the 9.5 report, which is</p> <p>4 marked as Exhibit 3, when Captain Morrissey -- well,</p> <p>5 kind of the MACKENZIE ROSE hit that pier in</p> <p>6 Charleston --</p> <p>7 A. Right.</p> <p>8 Q. -- correct, 9.5?</p> <p>9 And I've asked you a bunch of questions,</p> <p>10 whether there's a 9.5 report for the allision with</p> <p>11 the Belt Line Bridge, and your answer, my</p> <p>12 recollection, is I don't know.</p> <p>13 A. I would have to reference it.</p> <p>14 Q. I'm sorry?</p> <p>15 A. I would have to reference it.</p> <p>16 Q. Yeah. Okay.</p> <p>17 I'll tell you, we haven't received one,</p> <p>18 okay? That's why I'm asking.</p> <p>19 A. Okay.</p> <p>20 Q. Do you know if there is a 9.2 near miss</p> <p>21 report for the allision with the bridge on June 15th,</p> <p>22 2024?</p> <p>23 A. It's another one that I would have to go</p> <p>24 and reference.</p> <p>25 Q. But those would be the only two types of</p>	<p style="text-align: right;">Page 180</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. -- am I correct that this is a -- some</p> <p>3 kind of flowchart or some -- I don't know whether</p> <p>4 it's a flowchart, but -- I don't know what you would</p> <p>5 call it, but it pertains to some kind of</p> <p>6 environmental problem, like an oil spill?</p> <p>7 A. Correct.</p> <p>8 Q. And then it's only in play if it's an</p> <p>9 oil spill or some kind of discharge?</p> <p>10 A. I believe so.</p> <p>11 Q. I want to ask, at the very lower</p> <p>12 right-hand corner, the box in the lowest right-hand</p> <p>13 corner on page 167, it references a DP.</p> <p>14 The DP should be on scene to gather</p> <p>15 statements, coordinate communications, take</p> <p>16 photos/video and compile data.</p> <p>17 What's a DP?</p> <p>18 A. I would have to reference it, but I</p> <p>19 believe it's designated person.</p> <p>20 Q. Sometimes referred to as a designated</p> <p>21 person ashore?</p> <p>22 MR. RODGERS: Objection.</p> <p>23 Q. Or do you know?</p> <p>24 A. No, I don't know.</p> <p>25 Q. So who in Carver -- Carver Marine Towing</p>
<p style="text-align: right;">Page 179</p> <p>1 Moore - April 28, 2025</p> <p>2 reports that the company would make pursuant to this</p> <p>3 safety management system; is that right?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. In very small print near the</p> <p>6 bottom of this flowchart, over in kind of the</p> <p>7 right-hand corner, it says See injury flowchart on</p> <p>8 page 7.</p> <p>9 A. Okay.</p> <p>10 Q. And if you turn the page, there's like</p> <p>11 two more flowcharts, right?</p> <p>12 Do you know whether -- so there's three</p> <p>13 more flowcharts on the next three pages.</p> <p>14 Are any of them the injury flowchart</p> <p>15 that's referenced in -- referenced on page 166?</p> <p>16 A. None that I could see.</p> <p>17 Q. Would those be for personal injuries or</p> <p>18 property damage, or do you know?</p> <p>19 A. They would be for personal injuries,</p> <p>20 medical-related.</p> <p>21 Q. Not property damage?</p> <p>22 A. I -- not to my knowledge, no.</p> <p>23 Q. All right. So if you turn to the next</p> <p>24 page, which is 167 --</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 181</p> <p>1 Moore - April 28, 2025</p> <p>2 is the designated person?</p> <p>3 A. That would be me.</p> <p>4 Q. You?</p> <p>5 A. Yes, sir. That -- correction. I'm a</p> <p>6 designated person ashore.</p> <p>7 Q. You're the DPA?</p> <p>8 A. Yeah.</p> <p>9 Q. So in this circumstance, who is the --</p> <p>10 is there somebody else that's a designated person</p> <p>11 besides you?</p> <p>12 A. We'd have to reference to see who it is,</p> <p>13 but usually it's the captains are the designated</p> <p>14 persons, because they're the -- always there at the</p> <p>15 incidents.</p> <p>16 Q. Okay.</p> <p>17 MR. CHAPMAN: We have to take a break,</p> <p>18 because the videographer has informed us there's</p> <p>19 only a couple of minutes left on our tape.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MR. CHAPMAN: So we will take a short</p> <p>22 break.</p> <p>23 THE VIDEOGRAPHER: We are going off the</p> <p>24 record. The time is 3:16 p.m.</p> <p>25 (There was a recess taken.)</p>

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<p>1 Moore - April 28, 2025</p> <p>2 THE VIDEOGRAPHER: Beginning Media No.</p> <p>3 4. We are back on the record. The time is 3:24</p> <p>4 p.m.</p> <p>5 BY MR. CHAPMAN:</p> <p>6 Q. Mr. Moore, the next page in this exhibit</p> <p>7 number Carver 000168 has another flowchart.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Does this also pertain to chemical</p> <p>10 releases or oil spills or is this something</p> <p>11 different?</p> <p>12 A. That one, I could not tell you clearly.</p> <p>13 Q. In the red box in the middle near the</p> <p>14 top, it says Designated person assumes position as</p> <p>15 emergency response coordinator for life of incident.</p> <p>16 Would you be the designated person?</p> <p>17 A. I think there's -- needs to be clarity</p> <p>18 of designated person ashore versus designated person.</p> <p>19 Q. Is there some other place in the SMS</p> <p>20 where it defines that or describes that so that we</p> <p>21 would know which one is being referred to here?</p> <p>22 A. I don't know off the top of my head. I</p> <p>23 would have to look into it.</p> <p>24 Q. You said earlier that you were the</p> <p>25 designated person for maybe certain things. I'm not</p>	<p>1 Moore - April 28, 2025</p> <p>2 000169, it looks like -- at the top it says it's a</p> <p>3 CG-2692 flowchart --</p> <p>4 A. Yes, sir.</p> <p>5 Q. -- right?</p> <p>6 What is a CG-2692?</p> <p>7 A. It stands for a Coast Guard 2692</p> <p>8 reportable incident form.</p> <p>9 Q. And this is the steps you're supposed to</p> <p>10 follow to fill it out or the circumstances under</p> <p>11 which you have to submit one?</p> <p>12 A. I would have to look into it, but I</p> <p>13 haven't referenced this one in quite a while.</p> <p>14 Q. Well, the very top color block, which is</p> <p>15 sort of blue-green, says that you have to submit one</p> <p>16 for an unintended grounding or an unintended strike</p> <p>17 of (allision with) a bridge, right?</p> <p>18 A. It does say that, yes.</p> <p>19 Q. And we're going to get to the one that</p> <p>20 you submitted, but -- because I know there is one.</p> <p>21 We were provided a copy.</p> <p>22 At the very end of this page, it says</p> <p>23 Drug and Closing Testing.</p> <p>24 And just confirming, there was no drug</p> <p>25 and alcohol testing done on any member of the crew as</p>
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<p>1 Moore - April 28, 2025</p> <p>2 sure.</p> <p>3 Is that -- is there some document that</p> <p>4 says Brian Moore is the designated person for A, B,</p> <p>5 C, D, E or something along those lines?</p> <p>6 A. There's a designated person ashore</p> <p>7 section, and that --</p> <p>8 Q. Of the SMS?</p> <p>9 A. Correct.</p> <p>10 -- and that would reference anything on</p> <p>11 it. I have to look at it.</p> <p>12 Q. And would it actually spell out who that</p> <p>13 person is?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know when this SMS was adopted by</p> <p>16 Carver?</p> <p>17 A. Before my hiring. I don't know.</p> <p>18 Q. Just looking at all this, you know,</p> <p>19 revision date, every one of these pages I think says</p> <p>20 July 1, 2021.</p> <p>21 Is that when it was first adopted --</p> <p>22 A. I --</p> <p>23 Q. -- do you know?</p> <p>24 A. That, I do not know.</p> <p>25 Q. If you turn to the next page, Carver</p>	<p>1 Moore - April 28, 2025</p> <p>2 a result of this allision with the Norfolk and</p> <p>3 Portsmouth Belt Line Bridge during the time allowed</p> <p>4 by the Coast Guard, correct?</p> <p>5 A. I would have to refer to Lenny on that</p> <p>6 one, what was called in; and I don't know off the top</p> <p>7 of my head.</p> <p>8 Q. At the very end, it says See Section 6.</p> <p>9 Do you know what Section 6 is that is</p> <p>10 being referred to?</p> <p>11 A. I do not.</p> <p>12 Q. If you could turn to the next page,</p> <p>13 Carver 000886. This is the first of four pages that</p> <p>14 are somehow related to the health and safety plan</p> <p>15 within the safety management system, right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Under No. 6 on the left-hand column, it</p> <p>18 refers to a section of the Code of Federal</p> <p>19 Regulations, and then it says there's a requirement.</p> <p>20 And it says that All machinery and</p> <p>21 equipment that is not in proper working order,</p> <p>22 (including missing or malfunctioning guards or safety</p> <p>23 devices), must be removed, made safe through marking,</p> <p>24 tagging or covering, or otherwise made unusable.</p> <p>25 This doesn't appear to distinguish</p>

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<p style="text-align: right;">Page 186</p> <p>1 Moore - April 28, 2025</p> <p>2 like -- I assume that it relates to whatever's on the</p> <p>3 vessel, but is there any definition of equipment that</p> <p>4 excludes navigational equipment or steering</p> <p>5 equipment?</p> <p>6 A. Not to my knowledge. We would have to</p> <p>7 look into that further.</p> <p>8 Q. So if there was something that was not</p> <p>9 in proper working order in the nature of the steering</p> <p>10 equipment or the navigation equipment, there would be</p> <p>11 a requirement to either remove it, make it safe</p> <p>12 through marking, tagging or covering or otherwise</p> <p>13 making it unusable?</p> <p>14 MR. RODGERS: Objection. It's citing a</p> <p>15 CFR statute, and he's not here to opine on the</p> <p>16 CFR statute or section. And you're just reading</p> <p>17 from this, so the document speaks for itself.</p> <p>18 A. I would have -- I would have to look</p> <p>19 into the health and safety within the TSMS.</p> <p>20 Q. If you turn over to page 3 of 4 of this</p> <p>21 document, which is Carver 000888, about the middle of</p> <p>22 that page, you see reference line -- a No. 31?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And the requirement is Procedures for</p> <p>25 reporting unsafe conditions?</p>	<p style="text-align: right;">Page 188</p> <p>1 Moore - April 28, 2025</p> <p>2 ROSE, marked for identification, as of this</p> <p>3 date.)</p> <p>4 Q. You've been handed Exhibit 5, one page,</p> <p>5 numbered Carver 000050, titled Tug MACKENZIE ROSE</p> <p>6 Crew Matrix, on June 15, 2024.</p> <p>7 To your knowledge, are these the five</p> <p>8 individuals that were assigned to the crew at the</p> <p>9 time of the allision with the Norfolk and Portsmouth</p> <p>10 Belt Line Bridge?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know what the reference is to the</p> <p>13 document number?</p> <p>14 A. The reference number is an individual</p> <p>15 mariner's number. The document number, I believe, is</p> <p>16 just the printed edition of the MM -- merchant</p> <p>17 mariner credential.</p> <p>18 Q. So the reference number is the actual</p> <p>19 number they were assigned on their merchant mariner</p> <p>20 document?</p> <p>21 A. The reference number stays with you.</p> <p>22 Yes.</p> <p>23 Q. Okay. And the document number is just</p> <p>24 like a form number?</p> <p>25 A. It is just -- I don't know. The Coast</p>
<p style="text-align: right;">Page 187</p> <p>1 Moore - April 28, 2025</p> <p>2 A little further over, there's a</p> <p>3 reference to -- it says 2.3 and then S/6.11.</p> <p>4 Do you know what those are references</p> <p>5 to?</p> <p>6 A. Not off the top of my head, but</p> <p>7 something in the TSMS/HSP.</p> <p>8 Q. Okay. Something in the safety</p> <p>9 management system --</p> <p>10 A. Right.</p> <p>11 Q. -- like another section?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And then likewise, on the last</p> <p>14 page, the very last numbered line, it says Carver</p> <p>15 000889, says 43. The requirement is All training</p> <p>16 required in this section must be documented in owner</p> <p>17 or managing operator's records. And then there's</p> <p>18 a -- looks like a reference to SMF 2.3 and S/Helm.</p> <p>19 Do you know what those are?</p> <p>20 A. Helm, I do. I don't know what SMF</p> <p>21 stands for. I would have to look into that one.</p> <p>22 Q. All right.</p> <p>23 MR. CHAPMAN: Would you mark that as</p> <p>24 Exhibit 5, please.</p> <p>25 (Exhibit 5, Crew Matrix of MACKENZIE</p>	<p style="text-align: right;">Page 189</p> <p>1 Moore - April 28, 2025</p> <p>2 Guard would have to answer that one, but I believe</p> <p>3 it's just the printed document version of that one.</p> <p>4 Q. Okay.</p> <p>5 A. But the reference number is how you</p> <p>6 would look up a mariner.</p> <p>7 Q. All right. So to your knowledge, do you</p> <p>8 know when Captain Miller was hired?</p> <p>9 A. Not off the top of my head.</p> <p>10 Q. What about the mate, James Morrissey?</p> <p>11 A. Also not off the top of my head.</p> <p>12 Q. The deckhand, Sharif Porter?</p> <p>13 A. Not off the top of my head.</p> <p>14 Q. The deckhand, Jarkeis -- I don't know if</p> <p>15 I'm pronouncing that right, but Jarkeis Morrissey?</p> <p>16 A. I -- nope, not off the top of my head,</p> <p>17 either.</p> <p>18 Q. And the engineer, Jason McGrath?</p> <p>19 A. Same. I'd have to look it up.</p> <p>20 MR. CHAPMAN: Would you mark that as 6,</p> <p>21 please.</p> <p>22 (Exhibit 6, Daily Logs, June 12 - 16,</p> <p>23 2024, marked for identification, as of this</p> <p>24 date.)</p> <p>25 Q. You've been handed Exhibit 6, which I</p>

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<p style="text-align: right;">Page 190</p> <p>1 Moore - April 28, 2025</p> <p>2 believe are logs covering four days of the MACKENZIE</p> <p>3 ROSE, beginning June 12th, 2024 through June 16th,</p> <p>4 2024. Maybe five days.</p> <p>5 Yeah, five days.</p> <p>6 A. Yes.</p> <p>7 Q. Which are Carver 000051 through 59.</p> <p>8 Do you have those?</p> <p>9 A. I do.</p> <p>10 Q. These look like they were printed out</p> <p>11 from your Helm system?</p> <p>12 A. Correct.</p> <p>13 Q. So the very first entries on June 12th</p> <p>14 say shipyard-manned.</p> <p>15 And then they drop down to -- it looks</p> <p>16 like, 01 a.m. Standby for repairs, Baltimore,</p> <p>17 Maryland. Correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Do you know what repairs the vessel was</p> <p>20 undergoing in Baltimore?</p> <p>21 A. I do. We had some time in between jobs,</p> <p>22 so we reached out to General Ship in Baltimore to</p> <p>23 replace some fendering that had fallen off at sea,</p> <p>24 and I believe it was on the port or starboard side,</p> <p>25 like midship.</p>	<p style="text-align: right;">Page 192</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. Down at the bottom, it says Crew</p> <p>3 on board, and there's six names, right?</p> <p>4 A. Yes.</p> <p>5 Q. Miller is the master, and Morrissey is</p> <p>6 technically also a master, but he's the mate, right?</p> <p>7 A. Correct.</p> <p>8 Q. So -- and who fills out this form?</p> <p>9 A. The officer of the watch, whoever gets</p> <p>10 to it.</p> <p>11 Q. Is this the form that, I don't know,</p> <p>12 comes in weekly --</p> <p>13 A. This is --</p> <p>14 Q. -- to the company?</p> <p>15 A. This -- no, this is daily.</p> <p>16 Q. Daily.</p> <p>17 A. So --</p> <p>18 Q. Okay. All right.</p> <p>19 We already talked about that there --</p> <p>20 there isn't anybody that reviews it unless there's --</p> <p>21 like you didn't submit it and there's a flag or</p> <p>22 something to --</p> <p>23 A. Correct.</p> <p>24 Q. Right? Okay.</p> <p>25 Is there any reason you couldn't review</p>
<p style="text-align: right;">Page 191</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. When you say fendering, you mean like</p> <p>3 the tire or whatever rubber setup you've got?</p> <p>4 A. Correct. Yeah, the rubber set -- it was</p> <p>5 either a tire or a hard defender, but it was the</p> <p>6 suspended rubber fendering.</p> <p>7 Q. Then it looks like it -- there was some</p> <p>8 crew changes that took place that day, correct?</p> <p>9 A. I believe so.</p> <p>10 Q. So Captain Miller came aboard along with</p> <p>11 Deckhand Porter and Engineer McGrath, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And then three people went off;</p> <p>14 O'Rourke, Hogge, and Warlordy?</p> <p>15 A. Yes.</p> <p>16 Q. Which one of them was the captain?</p> <p>17 A. None of them.</p> <p>18 Q. None of them?</p> <p>19 A. No.</p> <p>20 Q. Okay. Had the captain already left the</p> <p>21 vessel?</p> <p>22 A. Chris -- we would have to reference it,</p> <p>23 but Chris Miller and -- I don't know off the top of</p> <p>24 my head how that crew changed, shifted around. I</p> <p>25 would have to look that one up.</p>	<p style="text-align: right;">Page 193</p> <p>1 Moore - April 28, 2025</p> <p>2 it --</p> <p>3 A. Yeah, absolutely. Anybody can log in at</p> <p>4 any time.</p> <p>5 Q. There's no like approval process or</p> <p>6 anything, though?</p> <p>7 A. Not for these, no.</p> <p>8 Q. If it's not submitted on the day that</p> <p>9 it's due, is there a way to go into the system and</p> <p>10 like add it later?</p> <p>11 A. I don't believe so. I think it saves --</p> <p>12 if you're offshore and there's no internet</p> <p>13 connection, it still saves -- that it will compile</p> <p>14 them until you get back into cell phone service</p> <p>15 range, if you don't have satellite communications,</p> <p>16 and then it will input them all at once.</p> <p>17 Q. Once it is completed on the boat, can it</p> <p>18 be amended? Can somebody go back and change it?</p> <p>19 A. I don't know off the top of my head.</p> <p>20 Q. Once it's submitted to the company, can</p> <p>21 it be changed?</p> <p>22 A. That one, I don't know off the top of my</p> <p>23 head, either.</p> <p>24 Q. Do you know whether there's any like</p> <p>25 audit log of when the entries are made or when the</p>

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<p>1 Moore - April 28, 2025</p> <p>2 form is submitted?</p> <p>3 A. No, not that I know of.</p> <p>4 Q. So there's a third deckhand that's on</p> <p>5 the boat on the 12th, Robert DiCanio.</p> <p>6 You see that?</p> <p>7 A. Yeah, I do see that.</p> <p>8 Q. And if you go to the next page, 52 and</p> <p>9 53, there's only five crew members listed.</p> <p>10 So DiCanio is gone, right?</p> <p>11 A. Correct.</p> <p>12 Q. There's no reference to him leaving the</p> <p>13 boat in any of the log entries, though, correct?</p> <p>14 A. No. It's up to the officer on the</p> <p>15 watch, and they have forgotten at times before to log</p> <p>16 it.</p> <p>17 Q. So they don't have to keep track of</p> <p>18 who's on and not on the boat?</p> <p>19 A. They do. They might have not just</p> <p>20 logged it in the logbook entry.</p> <p>21 Q. The very top of page 52 there, it says</p> <p>22 Tug needs some issues resolved.</p> <p>23 Were there any issues other than the</p> <p>24 replacement of the fendering you've described?</p> <p>25 A. No, sir.</p>	<p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: No worries.</p> <p>3 MR. RODGERS: I thought it would be</p> <p>4 quiet.</p> <p>5 MR. CHAPMAN: Yeah.</p> <p>6 Q. It mentions about welding the pin</p> <p>7 keepers and helping with attaching this rub rail with</p> <p>8 10,000 pound straps as a temporary fix.</p> <p>9 And apparently, there were some welders</p> <p>10 on board, they did some welding, and resecured the</p> <p>11 rug rails/pudding. I don't know what a pudding is,</p> <p>12 but maybe you do.</p> <p>13 A. I've only known bow pudding is an old</p> <p>14 tugboat term for bow fendering --</p> <p>15 Q. Okay. All right.</p> <p>16 A. -- so I would assume it's that.</p> <p>17 Q. But it looks like there was some welding</p> <p>18 work done.</p> <p>19 A. To probably work on the temporary</p> <p>20 straps. And I would have to look at -- I would have</p> <p>21 to speak to Lenny about it, because he was also</p> <p>22 overseeing that one, but I believe the pin was the</p> <p>23 shackle pins to secure it.</p> <p>24 Q. So presumably, General Ship would have</p> <p>25 invoiced you for some of this work?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. And General Ship Repair was paid for the</p> <p>3 work they did?</p> <p>4 A. I would have to look at it also and</p> <p>5 through the e-mails with the foreman on there, but</p> <p>6 their ultimate -- once they looked into it, they</p> <p>7 couldn't make the repairs, because they would have to</p> <p>8 remove fuel from fuel tanks. Because they're</p> <p>9 adjacent to -- the welding was adjacent to a fuel</p> <p>10 tank, and they wouldn't be able to do it.</p> <p>11 Q. So they stayed at General Ship for a</p> <p>12 couple of days, ultimately couldn't get the repairs</p> <p>13 done?</p> <p>14 A. Correct.</p> <p>15 Q. So if you turn to page 54 --</p> <p>16 A. Okay.</p> <p>17 Q. -- it looks like for the 7:55 a.m.</p> <p>18 entry, somebody spoke with the shipyard project</p> <p>19 manager about welding the pin keepers and helping</p> <p>20 with attaching the rub rails as a temporary fix.</p> <p>21 And it looks like there was some welding</p> <p>22 work done.</p> <p>23 (Discussion held off the record.)</p> <p>24 MR. CHAPMAN: I'll start over.</p> <p>25 MR. RODGERS: Sorry.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. He very well might have, but I don't</p> <p>3 remember a PO coming through or an invoice coming</p> <p>4 through, but it's something we'd have to look up.</p> <p>5 Q. Okay. And then it finally got on -- the</p> <p>6 tug got underway that evening, it looks like around</p> <p>7 1900 hours, right?</p> <p>8 A. Yep.</p> <p>9 Q. And made, it looks like, 9 or 10 knots</p> <p>10 steaming from Norfolk, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And that was light boat. They're not</p> <p>13 pushing a barge or anything?</p> <p>14 A. Correct. Light boat.</p> <p>15 Q. Is that a typical speed for that vessel,</p> <p>16 do you know?</p> <p>17 A. For a light boat it is, yeah.</p> <p>18 Q. Okay. And then they finally arrived --</p> <p>19 I'm looking at page 56 now for the 15th.</p> <p>20 Finally arrived in Norfolk. It looks</p> <p>21 like they contacted somebody named Brian Hale from</p> <p>22 Sabine Marine Surveyor to meet them at the boat?</p> <p>23 A. He is a -- he was working for Skanska or</p> <p>24 the customer as a -- to ensure the cargo was secure</p> <p>25 to the barge.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. So he was going to survey that it was</p> <p>3 appropriately lashed and that sort of thing?</p> <p>4 A. Yes, sir, prior to getting underway.</p> <p>5 Q. So it looks like they met -- arrived at</p> <p>6 the pier around 11:30 a.m., right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And would it take three and a half hours</p> <p>9 for him to complete a survey before they could get</p> <p>10 underway?</p> <p>11 A. It's not that unusual.</p> <p>12 Q. Do you get a report of that survey?</p> <p>13 A. I don't recall getting that report. I</p> <p>14 believe that one went straight to Skanska. I would</p> <p>15 have to look into it.</p> <p>16 Q. You said this was the north portal</p> <p>17 bridge?</p> <p>18 A. Correct.</p> <p>19 Q. That's done now, isn't it?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And then sometime around 1630, there's</p> <p>22 an entry about incident, Norfolk, Virginia.</p> <p>23 You see that?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Mate James Morrissey reports the auto</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yeah, a computer monitor.</p> <p>3 Q. Okay. And did it look as grainy as the</p> <p>4 one that's been marked as Exhibit 1?</p> <p>5 A. I don't recall. I assume that was just</p> <p>6 because of printing on that.</p> <p>7 Q. Okay. Was Skanska ever notified of the</p> <p>8 incident?</p> <p>9 A. Yeah.</p> <p>10 Q. And who was contacted at Skanska?</p> <p>11 A. I don't know off the top of my head.</p> <p>12 Q. Who was your primary contact at Skanska?</p> <p>13 A. I would have to look it up for that,</p> <p>14 because it wasn't directly part of the portal main</p> <p>15 part that I was involved with. But Jason Meyerrose</p> <p>16 of Meyerrose & Sons, I believe, did the off-hire in</p> <p>17 New York Harbor.</p> <p>18 Q. When you say the on-hire/off-hire,</p> <p>19 you're talking about the Weeks 281 barge?</p> <p>20 A. Correct.</p> <p>21 Q. Right.</p> <p>22 Did you guys lease that from Weeks?</p> <p>23 A. No, we did not lease it. We just</p> <p>24 transported it.</p> <p>25 Q. Okay. So Skanska was Weeks' customer</p>
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<p>1 Moore - April 28, 2025</p> <p>2 pilot was not completely turned off. He was able to</p> <p>3 correct and switch back over to hand steering and</p> <p>4 begin backing on the Weeks 281 barge and maneuvered</p> <p>5 the barge alongside fendering on the north and PBL RR</p> <p>6 bridge. Photo taken. Proceed slowly away from</p> <p>7 bridge.</p> <p>8 Do you know who made that entry?</p> <p>9 A. I do not.</p> <p>10 Q. So there's a reference to a photo being</p> <p>11 taken.</p> <p>12 Is that the photo that we looked at</p> <p>13 earlier that's kind of grainy? We marked it I think</p> <p>14 as --</p> <p>15 A. 1. Exhibit 1.</p> <p>16 Q. Yes.</p> <p>17 A. Yep. I believe that's what it would be</p> <p>18 in reference to.</p> <p>19 Q. Okay. Is that the only bridge photo</p> <p>20 that you can recall seeing?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Have you ever looked at it on a large</p> <p>23 screen, like a big monitor, see what you can see?</p> <p>24 A. Besides like a computer monitor?</p> <p>25 Q. Well, it could be a computer monitor.</p>	<p>1 Moore - April 28, 2025</p> <p>2 for the barge rental?</p> <p>3 A. Yes.</p> <p>4 Q. All right. So -- and my question is --</p> <p>5 my question was who was your primary contact at</p> <p>6 Skanska for this bridge job?</p> <p>7 A. Nobody to me directly for this transport</p> <p>8 of it.</p> <p>9 Then for Skanska South, there was a</p> <p>10 bunch of different project managers throughout the</p> <p>11 last two years for that. It varied from Dan Paya to</p> <p>12 Kat Wen. But they all had independent roles of set</p> <p>13 specific tasks.</p> <p>14 Q. You said Dan. What was his last name?</p> <p>15 A. Paya, P-A-Y-A.</p> <p>16 Q. And Katlin?</p> <p>17 A. Kate Wen --</p> <p>18 Q. Kate?</p> <p>19 A. W-E-N.</p> <p>20 Q. Kate Wen, W-E-N?</p> <p>21 A. Yep.</p> <p>22 Q. Okay.</p> <p>23 So at 1820 hours, the top of page 57,</p> <p>24 there's an entry that says Other.</p> <p>25 Is Other like a tag in the system,</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Other?</p> <p>3 A. Correct.</p> <p>4 Q. And it says In Navy anchorage. Break</p> <p>5 loose. Take photos of barge. "No damage detected."</p> <p>6 Right?</p> <p>7 A. Correct.</p> <p>8 Q. Do you know why those are in quote</p> <p>9 marks?</p> <p>10 A. No. That, I do not.</p> <p>11 Q. Do you know who made that entry?</p> <p>12 A. Also do not know that.</p> <p>13 Q. And the photos of the barge, we looked</p> <p>14 at four pictures of the barge. Again, somewhat</p> <p>15 grainy.</p> <p>16 Are those the photos that were taken, to</p> <p>17 your knowledge, at that time?</p> <p>18 A. To -- yes.</p> <p>19 Q. And then they finally got underway</p> <p>20 around 7 p.m., right?</p> <p>21 A. Yes, sir.</p> <p>22 Q. They note their underway speed on tow</p> <p>23 wire as, it looks like, 6.6 knots, and then</p> <p>24 eventually 7.9 knots.</p> <p>25 Is that the normal speed for a -- for</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. No, it does not.</p> <p>3 Q. And that's on Carver pages 58, 59,</p> <p>4 right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. So do you know when it arrived at</p> <p>7 destination?</p> <p>8 A. I would have to reference the logs and</p> <p>9 these latitude and longitude positions.</p> <p>10 Q. Just -- we could figure that out if we</p> <p>11 saw the next page or two?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 MR. CHAPMAN: Mark that as 7, please.</p> <p>15 (Exhibit 7, Log Entries, marked for</p> <p>16 identification, as of this date.)</p> <p>17 Q. I've handed you Exhibit 7, Mr. Moore.</p> <p>18 I don't know what to call this, but it's</p> <p>19 consecutively numbered Carver 000060 through 000066.</p> <p>20 And on 000065, it has the words slip</p> <p>21 sheet.</p> <p>22 A. I have no clue what that referenced to.</p> <p>23 Q. I can't -- maybe these are in some</p> <p>24 order, maybe they're not. I don't know. It's just</p> <p>25 the way it was produced to me.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 this tug towing a barge on the wire?</p> <p>3 A. Yeah. It all depends on what the -- the</p> <p>4 tide and current's doing, if -- how many layers of</p> <p>5 wire he has out so he doesn't put it in full ahead.</p> <p>6 So I'm not sure where he was at at that</p> <p>7 moment, but it all depends on the currents.</p> <p>8 Q. And it looks like around 9:30 p.m.,</p> <p>9 2133 hours, on the 15th, they went to three plus</p> <p>10 layers out?</p> <p>11 A. Yes.</p> <p>12 Q. What distance is that?</p> <p>13 A. Each tow winch drum is different. The</p> <p>14 captains would know it, but it all depends on -- each</p> <p>15 layer is one layer across the top drum.</p> <p>16 Q. And there's a number of references to</p> <p>17 CSE, and then some distance. 108-T, CSE 97-T.</p> <p>18 Do you see those entries?</p> <p>19 A. I do.</p> <p>20 Q. What is that a reference to?</p> <p>21 A. I don't know off the top of my head.</p> <p>22 Q. So looking at the next day, June 16th,</p> <p>23 2024, it looks like it's underway the whole day. It</p> <p>24 does not arrive at destination on the 16th; is that</p> <p>25 right?</p>	<p>1 Moore - April 28, 2025</p> <p>2 Do you know what these are?</p> <p>3 A. No, sir, I do not.</p> <p>4 Q. I mean, they look a little bit like</p> <p>5 logbook entries, but is there some other way to print</p> <p>6 or publish information that's in this Helm system</p> <p>7 that produces a record that looks like -- something</p> <p>8 like a spreadsheet?</p> <p>9 A. There is a way to print it in either</p> <p>10 Excel or PDF. When you -- prints a daily log or</p> <p>11 whatever it may be, it prints it to either/or. I</p> <p>12 think you have to acknowledge which one it is.</p> <p>13 Q. Okay. This looks like it was printed in</p> <p>14 Excel.</p> <p>15 A. It does look like that.</p> <p>16 Q. Okay.</p> <p>17 MR. CHAPMAN: Mark that as 8, please.</p> <p>18 (Exhibit 8, Christopher Lee Miller</p> <p>19 Employment Records, marked for identification,</p> <p>20 as of this date.)</p> <p>21 Q. You've been handed Exhibit 8, which I</p> <p>22 understand to be the merchant mariner credential for</p> <p>23 Captain Miller.</p> <p>24 A. Yes, sir.</p> <p>25 Q. And these pages are not quite in order.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 They were produced to us this way, but I put the</p> <p>3 credential on top and put a drug test that came with</p> <p>4 them, described as a pre-employment drug test, at the</p> <p>5 end.</p> <p>6 So it starts with page 44, 45, 46, and</p> <p>7 then ends with page 43.</p> <p>8 You see that?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. So these appear to be documents</p> <p>11 that you would take up when you're hiring somebody,</p> <p>12 or if there is a new credential, you would update</p> <p>13 your system with it, right?</p> <p>14 A. Correct.</p> <p>15 Q. Do those live in some PDF electronic</p> <p>16 file or do they live in a paper file or --</p> <p>17 A. They were -- they would go to HR. I</p> <p>18 don't know how HR is doing it, if it's paper or</p> <p>19 digital, off the top of my head, but they would have</p> <p>20 them there.</p> <p>21 And then also in Helm, if they had --</p> <p>22 give them and gave it to us, we would put that</p> <p>23 document into Helm so we can also monitor the crews'</p> <p>24 licenses to make sure they're not expiring and what</p> <p>25 license is set for each individual person so we know</p>	<p>1 Moore - April 28, 2025</p> <p>2 personal file of records on other people?</p> <p>3 A. No. It would just all go through HR</p> <p>4 then.</p> <p>5 Q. So the last page of Exhibit 8 is a</p> <p>6 Predrug -- Pre-Employment Drug Screen for Captain</p> <p>7 Miller --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- correct?</p> <p>10 And the specimen was collected on</p> <p>11 January 17th, 2024, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And there's a test verification on</p> <p>14 January 20th of 2024, right?</p> <p>15 A. Yep.</p> <p>16 Q. So that's the earliest, presumably,</p> <p>17 Captain Miller would have gone to work for Carver</p> <p>18 Marine Towing?</p> <p>19 A. I would believe so.</p> <p>20 Q. Okay. Do you have any knowledge that he</p> <p>21 ever previously worked for Carver Marine Towing?</p> <p>22 A. No. That, I do not.</p> <p>23 Q. And this is the same Captain Miller you</p> <p>24 testified previously that you learned he recently</p> <p>25 passed away?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 where to send them or where not to send them.</p> <p>3 Q. So I've been around this business for a</p> <p>4 long time as a lawyer --</p> <p>5 A. Yeah.</p> <p>6 Q. -- and what I've come to learn is even</p> <p>7 though there's an electronic record that HR has got,</p> <p>8 oftentimes people have their own sort of private like</p> <p>9 little files on people.</p> <p>10 MR. RODGERS: Objection.</p> <p>11 Q. And I'm trying to understand.</p> <p>12 Do you have paper files on any of your</p> <p>13 employees with Carver?</p> <p>14 MR. RODGERS: Objection to form.</p> <p>15 You can answer if you --</p> <p>16 A. No, I do not.</p> <p>17 Q. Okay. Have you ever, as an employee of</p> <p>18 Carver?</p> <p>19 A. No, I have not.</p> <p>20 Q. I mean, it's not like you've gotten</p> <p>21 any -- gotten rid of them since you started working</p> <p>22 for Carver?</p> <p>23 A. No, absolutely not.</p> <p>24 Q. All right. Do you know of anybody else</p> <p>25 within Carver that kind of maintains their own</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay.</p> <p>4 MR. CHAPMAN: I'm going to apologize. I</p> <p>5 did not get a chance to staple these back</p> <p>6 together. I don't know if there's a stapler in</p> <p>7 this room.</p> <p>8 You are awesome. Thank you.</p> <p>9 This is going to be No. 9.</p> <p>10 (Exhibit 9, Handwritten and Typed</p> <p>11 Statements of Christopher Lee Miller, marked for</p> <p>12 identification, as of this date.)</p> <p>13 Q. Mr. Moore, you've been handed Exhibit 9,</p> <p>14 which I believe are a collection of statements by</p> <p>15 Captain Miller.</p> <p>16 A. Yes, sir.</p> <p>17 Q. So the first one, which is Carver</p> <p>18 000047, is a handwritten statement, right?</p> <p>19 A. Yep.</p> <p>20 Q. Appears to be signed by him, correct?</p> <p>21 A. Yes.</p> <p>22 Q. The second one, Carver 000048, is a</p> <p>23 typed-up version of that statement, right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. It's not really signed by him, but it's</p>

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<p>1 Moore - April 28, 2025</p> <p>2 got an entry, June 15th, 1659. Statement of incident</p> <p>3 that happened at approximately 1630 with the North</p> <p>4 MPVL railroad bridge, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. And then the third page, 000049,</p> <p>7 is on Carver Marine letterhead of some form. Says</p> <p>8 re: Incident report. It's got the date and time</p> <p>9 particulars, right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And it, too, looks like it's signed by</p> <p>12 Captain Miller, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. So what do you know about when Captain</p> <p>15 Miller prepared this handwritten statement?</p> <p>16 A. I do not know when -- this was. This</p> <p>17 would be the first -- first statement --</p> <p>18 Q. Okay.</p> <p>19 A. -- the handwritten one.</p> <p>20 Q. So of these three, do they go in like,</p> <p>21 I'll call it, chronological order of when you think</p> <p>22 they were prepared?</p> <p>23 A. Well, this one, because I know they</p> <p>24 handwrit -- handwrote it, and I said you need to have</p> <p>25 them typed out.</p>	<p>1 Moore - April 28, 2025</p> <p>2 prepared on 15 June 2024 or it just references the</p> <p>3 allision on June 15, 2024?</p> <p>4 A. That, I don't know either.</p> <p>5 Q. Would Captain Miller have access to</p> <p>6 Carver Marine Towing letterhead?</p> <p>7 A. They have all -- over the course of</p> <p>8 time, every vessel has seen the letterheads come</p> <p>9 through. They've -- there's no official letterhead,</p> <p>10 but they've all been utilized before another.</p> <p>11 Q. So if these were all prepared on 15 June</p> <p>12 2024, the vessel was still underway to the bridge job</p> <p>13 site, right?</p> <p>14 A. Correct.</p> <p>15 Q. And so would it --</p> <p>16 MR. RODGERS: Just objection. I don't</p> <p>17 think the first one is dated.</p> <p>18 MR. CHAPMAN: You're correct. It's not.</p> <p>19 Has no date on it.</p> <p>20 MR. RODGERS: Oh, I thought you said --</p> <p>21 MR. CHAPMAN: Right. No.</p> <p>22 MR. RODGERS: -- they were all --</p> <p>23 MR. CHAPMAN: No. I just -- if they all</p> <p>24 pertain to the allision with the bridge and</p> <p>25 they -- the first one could not have been</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. So were they given any</p> <p>3 direction on what to put in their handwritten</p> <p>4 statement?</p> <p>5 A. Not from me. Not that I know of.</p> <p>6 Q. Were they given any direction about what</p> <p>7 to put in the typed statement, which is page 48?</p> <p>8 A. No, not that I know of.</p> <p>9 Q. And then finally, the typed statement</p> <p>10 but on Carver Marine letterhead, it's signed, page</p> <p>11 49.</p> <p>12 Were they given any instruction about</p> <p>13 what to include in those -- in this report?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know of anybody who prepared</p> <p>16 either of the typed statements for them?</p> <p>17 A. I do not know off the top of my head.</p> <p>18 I've only -- no, I do not know.</p> <p>19 Q. So if the -- if the middle statement,</p> <p>20 I'll call it, page 48, was prepared at June -- on</p> <p>21 June 15th at 1659, the handwritten statement would</p> <p>22 have been prepared before that?</p> <p>23 A. Most likely, yes.</p> <p>24 Q. All right. And do you know whether the</p> <p>25 final one in this exhibit, page 49, was actually</p>	<p>1 Moore - April 28, 2025</p> <p>2 prepared before sometime on June 15th.</p> <p>3 MR. RODGERS: No. I'm just saying your</p> <p>4 question was so these were all prepared on 15</p> <p>5 June 2024.</p> <p>6 MR. CHAPMAN: Yeah, yeah. That's what I</p> <p>7 said.</p> <p>8 Q. If they were, right --</p> <p>9 MR. RODGERS: Okay.</p> <p>10 Q. -- how did they arrive at -- in the</p> <p>11 possession of Carver, right? Were they e-mailed</p> <p>12 or --</p> <p>13 A. I believe -- actually, I don't know the</p> <p>14 exact method, how they got to Lenny on that one.</p> <p>15 Q. Do you believe that Mr. Baldassare</p> <p>16 received these?</p> <p>17 A. Yes. Either by -- directly from the</p> <p>18 boat e-mail for this handwritten one or a photo. I'm</p> <p>19 not -- don't know.</p> <p>20 Q. Did you see these as part of your</p> <p>21 investigation before submitting the 2692 to the Coast</p> <p>22 Guard?</p> <p>23 A. I don't remember off the top of my head.</p> <p>24 I remember reading these, the initial hand --</p> <p>25 MR. RODGERS: You got to say what you're</p>

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<p>1 Moore - April 28, 2025</p> <p>2 looking at.</p> <p>3 THE WITNESS: Sorry.</p> <p>4 A. Correction. I remember reading the</p> <p>5 handwritten one before anything went out, but</p> <p>6 after -- I don't recall the other two between now and</p> <p>7 when the initial 2692 was submitted.</p> <p>8 Q. Do you recall reading the handwritten</p> <p>9 one before the vessel actually departed Norfolk?</p> <p>10 A. No. I don't -- I can't recall if it was</p> <p>11 en route already or wherever it was in the course of</p> <p>12 actions.</p> <p>13 Q. Okay. Was it before the vessel arrived</p> <p>14 at the bridge?</p> <p>15 A. Correct.</p> <p>16 Q. The job site?</p> <p>17 A. Before it arrived in New York Harbor,</p> <p>18 correct.</p> <p>19 Q. Okay. All right.</p> <p>20 MR. CHAPMAN: All right. Let's hope I</p> <p>21 sort of get these stapled together eventually.</p> <p>22 So this will be 10.</p> <p>23 (Exhibit 10, Jarkeis Jamal Bass</p> <p>24 Morrissey Employment Records, marked for</p> <p>25 identification, as of this date.)</p>	<p>1 Moore - April 28, 2025</p> <p>2 work for Carver Marine Towing would have been</p> <p>3 April 30, 2024?</p> <p>4 A. Yes --</p> <p>5 Q. So he --</p> <p>6 A. -- to my knowledge.</p> <p>7 Q. So he had been working for about a month</p> <p>8 and a half at the time of this accident, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right.</p> <p>11 MR. CHAPMAN: Let's mark this as 11,</p> <p>12 please.</p> <p>13 (Exhibit 11, Handwritten and Typed</p> <p>14 Statements of Jarkeis Bass Morrissey, marked for</p> <p>15 identification, as of this date.)</p> <p>16 Q. So you've been handed Exhibit 11, three</p> <p>17 pages of statements by Jarkeis Bass Morrissey. The</p> <p>18 first is page Carver 000071 through 000072.</p> <p>19 Excuse me. They're out of order.</p> <p>20 It covers -- contained within the</p> <p>21 exhibit is 000070 through 72.</p> <p>22 A. Yeah.</p> <p>23 Q. But the first one is the handwritten</p> <p>24 one, and I put them all in the same order just to</p> <p>25 make it easier, right?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. You've been handed</p> <p>3 Exhibit 10, which I understand to be the merchant</p> <p>4 mariner's document for Jarkeis Jamal Bass Morrissey,</p> <p>5 a copy of his TWIC card, and a pre-employment drug</p> <p>6 screen.</p> <p>7 A. Yes, sir.</p> <p>8 Q. Carver 000067 through 69, right?</p> <p>9 A. Yep.</p> <p>10 Q. So on page 67, it says that his</p> <p>11 mariner's document was issued 11 March 2024.</p> <p>12 Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you know if this is his first</p> <p>15 merchant marine document?</p> <p>16 A. I don't know off the top of my head. I</p> <p>17 do know he did have prior experience with another</p> <p>18 company.</p> <p>19 Q. Okay. And then looking at the last page</p> <p>20 of this exhibit, it looks like the specimen for his</p> <p>21 pre- employment was collected on March -- excuse me,</p> <p>22 April 29th of 2024, and verified on April 30th of</p> <p>23 2024, right?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So the earliest he could have come to</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yep.</p> <p>3 Q. So you've seen the handwritten</p> <p>4 statement, obviously?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Sometime in connection with your</p> <p>7 investigation --</p> <p>8 A. Yep.</p> <p>9 Q. -- right?</p> <p>10 And then it is followed by the typed-up</p> <p>11 statement of the incident, right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And then finally, a report on Carver</p> <p>14 Marine Towing letterhead that appears to be signed by</p> <p>15 Mr. Jarkeis Morrissey, right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. So Mr. Morrissey's --</p> <p>18 Jarkeis Morrissey's statement, in his handwritten one</p> <p>19 and in his typed-up one -- these are pages 71 and</p> <p>20 then 70 -- there's a reference to losing steering.</p> <p>21 He says We left at 1500. Everything was</p> <p>22 good. An hour later, the boat lost steering in the</p> <p>23 upper wheelhouse. Right? That's what he said?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. And then he goes on to say that</p>

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<p>1 Moore - April 28, 2025</p> <p>2 he was in the galley cleaning up and put away the</p> <p>3 food when we hit something. I went to the wheelhouse</p> <p>4 to make sure everything was okay. He said we lost</p> <p>5 steering.</p> <p>6 There's two places in here where he says</p> <p>7 the boat lost steering, but in the final Carver</p> <p>8 Marine Towing letterhead incident report, it doesn't</p> <p>9 say anything about losing steering.</p> <p>10 Did you ever ask Mr. Morrissey, Jarkeis</p> <p>11 Morrissey, why he mentioned losing the steering in</p> <p>12 the first two statements, and said nothing about it</p> <p>13 in the third one?</p> <p>14 A. No, sir, I did not.</p> <p>15 Q. And in the first two statements, he says</p> <p>16 that he was in the galley putting away food, and then</p> <p>17 they hit something. We hit something. But he</p> <p>18 doesn't mention anything about hitting anything in</p> <p>19 his third Carver Marine Towing letterhead.</p> <p>20 You see that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Did you ever ask him why he did not say</p> <p>23 anything about hitting something in his statement on</p> <p>24 page 72?</p> <p>25 A. No, sir, I did not. I did not speak to</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. And do you have -- do you know</p> <p>3 what he meant by sliding?</p> <p>4 A. No, sir, I do not.</p> <p>5 Q. But he didn't use the word bump or</p> <p>6 describe it as a bump in --</p> <p>7 A. No, he did not.</p> <p>8 Q. -- this third statement, right?</p> <p>9 A. Correct.</p> <p>10 Q. Did you ever interview him or speak with</p> <p>11 him to try to understand what he meant by sliding?</p> <p>12 A. No. The only time I ever spoke to any</p> <p>13 of the guys is when the NTSB was on board.</p> <p>14 Q. When did the NTSB show up?</p> <p>15 A. I don't remember off the top of my head.</p> <p>16 It was fairly shortly after their arrival into New</p> <p>17 York.</p> <p>18 MR. RODGERS: Were you asking that</p> <p>19 question, Jim, on Miller's final statement?</p> <p>20 MR. CHAPMAN: Yeah. This was Captain</p> <p>21 Miller's statement.</p> <p>22 MR. RODGERS: I think he says sliding.</p> <p>23 MR. CHAPMAN: It says, first sentence</p> <p>24 Felt us sliding.</p> <p>25 MR. RODGERS: Well, I guess he does,</p>
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<p>1 Moore - April 28, 2025</p> <p>2 him about that.</p> <p>3 Q. Do you know if anybody did?</p> <p>4 A. Not that I would know of.</p> <p>5 Q. Did Mr. Baldassare say anything to you</p> <p>6 to help clarify that?</p> <p>7 A. No. I -- I only really remember seeing</p> <p>8 the handwritten ones, and then I don't quite really</p> <p>9 remember these statements of the hand-typed ones.</p> <p>10 Q. All right. So let's go back to No. 9,</p> <p>11 which was the statement of Captain Miller.</p> <p>12 A. Okay.</p> <p>13 Q. In the first two pages, 47 and 48, it</p> <p>14 says that I was in my rack resting when I felt a bump</p> <p>15 in the handwritten one.</p> <p>16 And in the typed one, it says I,</p> <p>17 Christopher Miller, was in my bed resting when I felt</p> <p>18 a bump.</p> <p>19 And in the final statement, the one</p> <p>20 that's on Carver Marine letterhead, it says While off</p> <p>21 watch in my room, I felt the vessel slow down and</p> <p>22 felt a sliding.</p> <p>23 Now, that's different than saying he</p> <p>24 felt a bump, right?</p> <p>25 A. Yeah. Yes, it is.</p>	<p>1 Moore - April 28, 2025</p> <p>2 then. Sorry. Withdrawn.</p> <p>3 THE VIDEOGRAPHER: Mr. Moore, I'm sorry.</p> <p>4 Can you please move just a little bit.</p> <p>5 THE WITNESS: This way?</p> <p>6 THE VIDEOGRAPHER: Yes. Thank you.</p> <p>7 Q. So in his written statement, handwritten</p> <p>8 statement, he said that he ran up top to speak with</p> <p>9 James Morrissey, and he informed me that the tug went</p> <p>10 hard over.</p> <p>11 He said the -- I don't know what that</p> <p>12 word is. Something stuck -- struck?</p> <p>13 Do you know what he meant by that?</p> <p>14 A. No. No, I don't know what that word is.</p> <p>15 MR. RODGERS: You mean what does it say?</p> <p>16 MR. CHAPMAN: It said -- yeah. He said</p> <p>17 the something stuck or struck.</p> <p>18 Q. He goes on to say I called Brian Moore</p> <p>19 and Lenny Baldassare immediately to report incident.</p> <p>20 You testified earlier that you did not</p> <p>21 speak to anybody in the crew, though --</p> <p>22 A. Correct.</p> <p>23 Q. -- right?</p> <p>24 A. Yep. He called my phone, but I was out</p> <p>25 in the backyard, so I didn't receive it.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. So you didn't call him back?</p> <p>3 A. I called Lenny back.</p> <p>4 Q. You called Mr. Baldassare?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Then it goes on to say Lenny</p> <p>7 informed me that he and Brian will inform Coast Guard</p> <p>8 of incident. Waiting on orders. Right?</p> <p>9 A. That's what it says, yes.</p> <p>10 Q. Did you ever give Mr. Baldassare</p> <p>11 instructions to notify the Coast Guard of the</p> <p>12 incident?</p> <p>13 A. I did not. I told him to look into it</p> <p>14 further.</p> <p>15 Q. And did Mr. Baldassare say to you that</p> <p>16 he was going to notify the Coast Guard of the</p> <p>17 incident?</p> <p>18 A. I don't recall him saying that.</p> <p>19 Q. Meaning he might have said it and you</p> <p>20 just don't remember it, or meaning you just don't</p> <p>21 have a memory of him saying something like that?</p> <p>22 A. No, I don't -- almost a year ago, I</p> <p>23 don't remember exactly what he said there in that</p> <p>24 phone call.</p> <p>25 Q. So his typed statement, which is page</p>	<p>1 Moore - April 28, 2025</p> <p>2 that?</p> <p>3 A. No. I assume by slow bell, they meant</p> <p>4 to anchorage to look into it further.</p> <p>5 Q. So in the typed-up version on company</p> <p>6 letterhead, Captain Miller says that when he went up</p> <p>7 to the wheelhouse to check on the mate, and he</p> <p>8 informed me that he had gotten out of shape upon his</p> <p>9 approach to the bridge.</p> <p>10 What does that mean to you, when he says</p> <p>11 the mate told him he had gotten out of shape on his</p> <p>12 approach to the bridge?</p> <p>13 A. That means while -- if I'm looking at</p> <p>14 it, the way he -- the way he was steering is that he</p> <p>15 was -- it wasn't in line for the center span. So he</p> <p>16 got out of shape.</p> <p>17 Q. Is that a term of art in the maritime</p> <p>18 business --</p> <p>19 A. Yes.</p> <p>20 Q. -- getting out of shape?</p> <p>21 A. Yep. It's when you're -- when you're</p> <p>22 not at -- when you're not in -- where you should be.</p> <p>23 Q. There's no mention in this typed-up</p> <p>24 version on page 49 about feeling a bump while he was</p> <p>25 in his room, right?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 48, he says Mr. Morrissey informed me that the tug's</p> <p>3 rudder went hard over and wouldn't respond, resulting</p> <p>4 in the Weeks 281 barge to tap the side of the</p> <p>5 railroad bridge.</p> <p>6 I took a quick photo of the bridge where</p> <p>7 we tapped it with no seen damage from what we saw in</p> <p>8 the photo.</p> <p>9 I called Brian Moore and left a message,</p> <p>10 and then called Lenny and -- Lenny Baldassare and</p> <p>11 spoke with him of the incident. He then informed me</p> <p>12 that he and Brian would inform the Coast Guard of the</p> <p>13 incident.</p> <p>14 Did Captain Miller ever say to you after</p> <p>15 this incident at any time, you know, the following</p> <p>16 day or after arrival into New York or any time</p> <p>17 thereafter, that Lenny told him that he was going to</p> <p>18 tell the Coast Guard of the incident?</p> <p>19 A. In speaking with Captain Miller? No, I</p> <p>20 don't recall him speaking about that.</p> <p>21 Q. Okay. So it says Then finally, we went</p> <p>22 to a slow or bell and waited for orders and</p> <p>23 information. And then the statement ends.</p> <p>24 A. Yes, sir.</p> <p>25 Q. Like do you know what happened after</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yep.</p> <p>3 Q. There's no mention of the mate telling</p> <p>4 him that the tug's rudder went hard over and wouldn't</p> <p>5 respond, right?</p> <p>6 A. Correct.</p> <p>7 Q. Or that the Weeks barge tapped the side</p> <p>8 of the railroad bridge, right?</p> <p>9 A. Correct.</p> <p>10 Q. And even though he says that he took a</p> <p>11 photo of it in both his -- take that back.</p> <p>12 Even though he says in the typed-up</p> <p>13 statement that he did, which is page 48, that he took</p> <p>14 a photo of the bridge where we tapped it, there's no</p> <p>15 mention of that in the typed-up statement on Carver</p> <p>16 letterhead, correct?</p> <p>17 A. Of the photo? No, there's not.</p> <p>18 Q. In terms of your investigation, you</p> <p>19 didn't make any effort to sort out the discrepancies</p> <p>20 between these statements --</p> <p>21 A. No, not --</p> <p>22 Q. -- submitted by Captain Miller, correct?</p> <p>23 MR. RODGERS: Objection to form.</p> <p>24 You can answer.</p> <p>25 A. No.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 MR. CHAPMAN: So this is 12.</p> <p>3 (Exhibit 12, Jason Thomas McGrath</p> <p>4 Employment Records, marked for identification,</p> <p>5 as of this date.)</p> <p>6 Q. So you've been handed Exhibit 12, which</p> <p>7 is the collection of documents about Jason McGrath,</p> <p>8 his position as engineer, I believe, and a</p> <p>9 pre-employment drug screen.</p> <p>10 A. Yes, sir.</p> <p>11 Q. Pages Carver 000080 through -- I take</p> <p>12 that back. They're a bit out of order. It's 80 and</p> <p>13 81, which is his merchant mariner's document, and</p> <p>14 then at the end, 78, which is his drug screen, right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. So according to this credential on page</p> <p>17 80, his document was going to expire on 25 June '24,</p> <p>18 right?</p> <p>19 A. Yep.</p> <p>20 Q. So ten days before the allision, right?</p> <p>21 A. After allision?</p> <p>22 Q. Excuse me. Thank you for correcting</p> <p>23 that.</p> <p>24 Yeah, ten days after the allision?</p> <p>25 A. Yes, sir.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. So you've been given Exhibit -- this is</p> <p>3 13?</p> <p>4 A. Yes.</p> <p>5 Q. Which are the statements that</p> <p>6 Mr. McGrath did.</p> <p>7 The first one is a handwritten one,</p> <p>8 signed by him. The second one, the typed one. And</p> <p>9 the third one on the Carver Marine letterhead.</p> <p>10 The document numbers are in order,</p> <p>11 000079, 83 and then 82.</p> <p>12 So on the handwritten statement, we</p> <p>13 could agree that Engineer McGrath was a man of a few</p> <p>14 words --</p> <p>15 A. Yes, sir.</p> <p>16 Q. -- right?</p> <p>17 It says Was in my room. Felt abrupt</p> <p>18 stop. Went to upper wheelhouse to see what happened.</p> <p>19 Checked engine room.</p> <p>20 And then on the next page, which is 83,</p> <p>21 it -- word for word, the same thing, right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. And then on the last page, which</p> <p>24 is on the Carver Marine letterhead, a little more</p> <p>25 detail. Says he was in his room completing engine</p>
<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. And I think you told us earlier</p> <p>3 that he just never got it renewed, right?</p> <p>4 A. Correct. He was --</p> <p>5 Q. Okay.</p> <p>6 A. -- according to him, he was pending</p> <p>7 Coast Guard.</p> <p>8 Q. Yeah.</p> <p>9 And then his pre-employment drug screen</p> <p>10 was on December 11th, 2023?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And verified on December 12th.</p> <p>13 So that would have been when he came --</p> <p>14 earliest he could have come to work for your company,</p> <p>15 right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Right. And to your knowledge, had he</p> <p>18 previously worked for Carver Marine Towing?</p> <p>19 A. No. Not to my knowledge.</p> <p>20 E.</p> <p>21 Q. All right.</p> <p>22 MR. CHAPMAN: Mark this as 13, please.</p> <p>23 (Exhibit 13, Handwritten and Typed</p> <p>24 Statements of Jason Thomas McGrath, marked for</p> <p>25 identification, as of this date.)</p>	<p>1 Moore - April 28, 2025</p> <p>2 room paperwork, he felt the boat slow down, and</p> <p>3 shimmy.</p> <p>4 Now, that's different than saying an</p> <p>5 abrupt stop, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And he said that it had landed on the</p> <p>8 bridge fendering, he went down to the engine room to</p> <p>9 make sure there were no issues, and then he went to</p> <p>10 the wheelhouse, and the mate informed him he had</p> <p>11 touched up on the bridge fendering. Right?</p> <p>12 A. Yes, sir.</p> <p>13 Q. So it's a little out of order in terms</p> <p>14 of what he did when, after feeling the abrupt stop,</p> <p>15 but it mentions nothing about the abrupt stop in the</p> <p>16 typed-up Carver Marine letterhead report, page 82,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And did you make any effort to try to</p> <p>20 understand that discrepancy during the course of your</p> <p>21 investigation before submitting the 2692?</p> <p>22 MR. RODGERS: Objection to form.</p> <p>23 Foundation.</p> <p>24 A. No.</p> <p>25 MR. CHAPMAN: 14.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 (Exhibit 14, Sharif Porter Employment</p> <p>3 Records, marked for identification, as of this</p> <p>4 date.)</p> <p>5 Q. This is the only document that I have</p> <p>6 pertaining -- that was produced pertaining to Sharif</p> <p>7 Porter, but it's a copy of one page out of his</p> <p>8 mariner credential, right?</p> <p>9 A. Okay.</p> <p>10 Q. I don't have anything regarding a drug</p> <p>11 screen.</p> <p>12 Do you know when he was hired?</p> <p>13 A. No. He's one of the older deckhands</p> <p>14 within the older deckhands, senior deckhands in the</p> <p>15 company, so I don't know exactly when he was hired.</p> <p>16 Q. Was he there when you started working?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And he's still working there,</p> <p>19 right?</p> <p>20 A. Yes, sir.</p> <p>21 MR. CHAPMAN: 15.</p> <p>22 (Exhibit 15, Handwritten and Typed</p> <p>23 Statements of Sharif Porter, marked for</p> <p>24 identification, as of this date.)</p> <p>25 Q. You've been handed Exhibit 15, which I</p>	<p>1 Moore - April 28, 2025</p> <p>2 him that the boat went hard over, correct?</p> <p>3 A. No, not in this one.</p> <p>4 Q. So again, did -- as part of your</p> <p>5 investigation before submitting the 2692 to the Coast</p> <p>6 Guard, did you make any effort to sort out any</p> <p>7 discrepancy in Mr. Porter's statements?</p> <p>8 MR. RODGERS: Objection. No foundation.</p> <p>9 You can answer.</p> <p>10 A. No, sir. No, sir.</p> <p>11 MR. CHAPMAN: This will be 16.</p> <p>12 (Exhibit 16, James Morrissey's</p> <p>13 Employment Records, marked for identification,</p> <p>14 as of this date.)</p> <p>15 Q. Mr. Moore, you've been handed</p> <p>16 Exhibit 16, which is Captain James Morrissey's</p> <p>17 merchant mariner credential, and then the drug test</p> <p>18 results post-accident. And the documents are</p> <p>19 numbered Carver 000091 through 93.</p> <p>20 And then the last page, which is the</p> <p>21 test results, is Carver 000088.</p> <p>22 Do you have those?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay.</p> <p>25 MR. RODGERS: Just for the record, it</p>
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<p>1 Moore - April 28, 2025</p> <p>2 believe are all of the statements from Sharif Porter.</p> <p>3 They're not in numerical order, but they consist of</p> <p>4 Carver 000086, his handwritten statement; 000085, the</p> <p>5 typed-up statement that presumably he did; and then</p> <p>6 finally 000084, which is the one on Carver Marine</p> <p>7 Towing letterhead.</p> <p>8 You have those?</p> <p>9 A. Yes, sir.</p> <p>10 Q. So this says, on the handwritten one, I</p> <p>11 was in bed sleeping. I felt the boat sliding.</p> <p>12 Thought we popped the push gear. Went up to a</p> <p>13 wheelhouse. That was when the captain told me the</p> <p>14 boat went hard over.</p> <p>15 And then the typed-up version of that,</p> <p>16 his -- on page 85, appears to be word for word with</p> <p>17 his handwritten statement, right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And then finally, the one on Carver</p> <p>20 Marine letterhead says, very similar, that he felt</p> <p>21 the boat slide. Thought we had popped a push gear,</p> <p>22 and went out on the deck to check. However, I</p> <p>23 noticed we had landed against the fenders of the</p> <p>24 bridge to slide through safely.</p> <p>25 But nothing about the captain telling</p>	<p>1 Moore - April 28, 2025</p> <p>2 was post-accident, the January incident.</p> <p>3 MR. CHAPMAN: I'll clarify that.</p> <p>4 MR. RODGERS: Oh, okay.</p> <p>5 MR. CHAPMAN: Yeah, I'll clarify that.</p> <p>6 Don't worry.</p> <p>7 MR. RODGERS: All right.</p> <p>8 Q. So there's -- we weren't produced a</p> <p>9 pre-employment drug screen.</p> <p>10 So do you know when Captain Morrissey</p> <p>11 was hired?</p> <p>12 A. No, not off the top of my head.</p> <p>13 Q. Was he working there when you arrived?</p> <p>14 A. No.</p> <p>15 Q. Okay. So the post-accident drug</p> <p>16 screening was related to the allision with the pier</p> <p>17 in South Carolina in January of '24, right?</p> <p>18 A. Yes, sir.</p> <p>19 MR. CHAPMAN: Could you mark this as 17.</p> <p>20 (Exhibit 17, Handwritten and Typed</p> <p>21 Statements of Captain Morrissey, marked for</p> <p>22 identification, as of this date.)</p> <p>23 Q. You've been handed Exhibit 17, which</p> <p>24 consists of two pages numbered Carver 000094 and 95,</p> <p>25 which is what I believe is a handwritten statement</p>

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<p>1 Moore - April 28, 2025</p> <p>2 from Captain Morrissey and then a typed-up statement</p> <p>3 from Captain Morrissey.</p> <p>4 A. Yes, sir.</p> <p>5 Q. Now, the handwritten statement doesn't</p> <p>6 identify his name or any signature on it.</p> <p>7 And the typed-up statement is -- at</p> <p>8 least has Captain James Morrissey on it, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. So in his handwritten statement, he says</p> <p>11 Outbound Norfolk southern branch with Weeks 281.</p> <p>12 Experienced a steering malfunction, causing tug and</p> <p>13 barge to turn to port and touch up on bridge before</p> <p>14 it could be corrected. No damage to bridge and no</p> <p>15 visible -- excuse me. No damage to barge and no</p> <p>16 visible damage to bridge.</p> <p>17 And he says essentially the same thing</p> <p>18 in his typed-up version, except that he's added his</p> <p>19 name. I, James Morrissey, was operating outbound in</p> <p>20 Norfolk, Virginia, southern branch of the Elizabeth</p> <p>21 River with barge Weeks 281. The tug experienced a</p> <p>22 steering malfunction, causing the tug and barge to</p> <p>23 turn to port on touch up on the bridge before it</p> <p>24 could be corrected.</p> <p>25 Again, goes on to say No damage to the</p>	<p>1 Moore - April 28, 2025</p> <p>2 Exhibit 18, what are we looking at?</p> <p>3 A. This is -- it looks -- this is a view</p> <p>4 from what you would see in Helm.</p> <p>5 Q. All right. And a view of what?</p> <p>6 A. The time sheets, which I believe are</p> <p>7 just who the crew is on at the time. Not a work/rest</p> <p>8 hours.</p> <p>9 Q. So there's a limit of 12 hours of work,</p> <p>10 right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And there's a red -- four of them</p> <p>13 are green; one of them is red.</p> <p>14 What do those colors signal?</p> <p>15 A. I believe it's broken into 30, 60,</p> <p>16 90 days. Anything over 90 days, your license is</p> <p>17 good, green; anything 60 is yellow; and then red is</p> <p>18 30 days or less.</p> <p>19 Q. So we know McGrath's license was going</p> <p>20 to expire in 10 days, right?</p> <p>21 A. Correct.</p> <p>22 Q. So that's why this is red on --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- Exhibit 18?</p> <p>25 A. Yes.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 barge and no visible damage to the bridge.</p> <p>3 So basically, the same thing in both of</p> <p>4 those statements?</p> <p>5 A. Yes, sir.</p> <p>6 Q. We were not provided a copy of a</p> <p>7 statement on Carver Marine Towing letterhead.</p> <p>8 Do you know whether one exists?</p> <p>9 A. I do not know if one exists or not.</p> <p>10 Q. Okay. Do you know why you have them</p> <p>11 from the other four members of the crew but not</p> <p>12 Captain Morrissey?</p> <p>13 A. No. I did not receive those statements.</p> <p>14 Lenny did.</p> <p>15 Q. All right.</p> <p>16 MR. CHAPMAN: So this will be 18.</p> <p>17 (Exhibit 18, Crew Hours Report, marked</p> <p>18 for identification, as of this date.)</p> <p>19 Q. All right. So I handed you Exhibit 18,</p> <p>20 which looks like some sort of screenshot or -- of a</p> <p>21 tracking system, a logging system of some sort,</p> <p>22 beginning with Carver 0000096 through 0000110, and</p> <p>23 then there are four more pages, which are numbered</p> <p>24 000029 through 000232.</p> <p>25 So looking at the first page of</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. And are we looking at</p> <p>3 entries from June 1, 2024 on this page?</p> <p>4 A. Yes, I believe so. I couldn't exactly</p> <p>5 tell you.</p> <p>6 Q. Okay. And the next page, do you know</p> <p>7 what it is?</p> <p>8 A. I can't read mine.</p> <p>9 Q. I can't read mine either.</p> <p>10 A. Okay. Then no, I --</p> <p>11 Q. That's the way it was given to us.</p> <p>12 A. Then I -- no, sir, I do not know what</p> <p>13 this is.</p> <p>14 Q. Okay. I mean, I'm led to believe that</p> <p>15 somehow it's related to the same subject, but I don't</p> <p>16 know that to be true.</p> <p>17 A. I believe so, on the words that I can</p> <p>18 read out, but I don't know.</p> <p>19 Q. Are these available in a more legible</p> <p>20 version?</p> <p>21 A. I would have to -- I'm sure there is. I</p> <p>22 got to figure out what this is first.</p> <p>23 Q. Okay. And then if you go back to --</p> <p>24 this goes on for several pages, but if you go back</p> <p>25 past 110, then the very next page that's included is</p>

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<p>1 Moore - April 28, 2025</p> <p>2 229.</p> <p>3 A. Yep.</p> <p>4 Q. And this sort of looks like maybe time</p> <p>5 sheet or hours worked or something data?</p> <p>6 A. This looks like a work/rest log.</p> <p>7 Q. Okay. Would that be in the same system?</p> <p>8 A. In Helm? Yes, sir.</p> <p>9 Q. So if you go back to page 1 of 18,</p> <p>10 there's five tabs at the top.</p> <p>11 A. Yep.</p> <p>12 Q. Crew, Crew Chain, Time Sheets, Work/Rest</p> <p>13 and History, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. So we're looking at the time sheets</p> <p>16 page?</p> <p>17 A. Time sheets had payroll -- I'm sorry.</p> <p>18 Is the payroll-oriented one.</p> <p>19 Q. Okay. And the rest of these all have</p> <p>20 kind of different views?</p> <p>21 A. Yes, sir.</p> <p>22 Q. But this is specifically for the</p> <p>23 MACKENZIE ROSE, which is listed in the Asset -- Asset</p> <p>24 box?</p> <p>25 A. Yep.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes. Digital signature.</p> <p>3 Q. And it says it's digitally signed.</p> <p>4 What platform did you use to digitally</p> <p>5 sign it?</p> <p>6 A. I don't know off the top of my head. I</p> <p>7 believe it's on the Coast Guard form, so I don't know</p> <p>8 how it reads it, if it's Adobe or not.</p> <p>9 Q. So it wasn't signed like with your Box</p> <p>10 document management system?</p> <p>11 A. Oh, no.</p> <p>12 Q. Okay. And you signed it on -- it's</p> <p>13 dated June 25th, but you said you digitally signed it</p> <p>14 on June 26th, correct?</p> <p>15 A. Yep.</p> <p>16 Q. So it would have been submitted to the</p> <p>17 Coast Guard on what date?</p> <p>18 A. I would believe it would have been the</p> <p>19 26th.</p> <p>20 Q. Okay. Did you have the assistance of</p> <p>21 counsel in preparing this form?</p> <p>22 A. I did not.</p> <p>23 Q. So are there any drafts of this form</p> <p>24 that exist before it was actually submitted to the</p> <p>25 Coast Guard?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. And are more legible copies of pages 229</p> <p>3 to 232 available?</p> <p>4 A. If I can figure out what these are --</p> <p>5 Q. All right. They too --</p> <p>6 A. -- but I believe so.</p> <p>7 Q. They look like they came from the Helm</p> <p>8 system, too?</p> <p>9 A. Yes, or an Excel.</p> <p>10 Q. Okay.</p> <p>11 MR. CHAPMAN: All right. This is 19.</p> <p>12 (Exhibit 19, CG-2692 Report, marked for</p> <p>13 identification, as of this date.)</p> <p>14 Q. Mr. Moore, you've been handed</p> <p>15 Exhibit 19 --</p> <p>16 A. Yes, sir.</p> <p>17 Q. -- which I believe consists of the</p> <p>18 2692 --</p> <p>19 A. Yes.</p> <p>20 Q. -- filed with the Coast Guard in the</p> <p>21 aftermath of the bridge allision, right?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. So this is Carver 000111 through</p> <p>24 117, and if you look at the second page of the</p> <p>25 exhibit, it appears to have been signed by you.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. There -- this was -- any -- sorry,</p> <p>3 correction.</p> <p>4 Any drafts? What do you mean?</p> <p>5 Q. Yeah. Like you -- maybe you -- this is</p> <p>6 the fifth draft that you went through, right?</p> <p>7 A. Oh.</p> <p>8 Q. I don't know. That's what I'm asking.</p> <p>9 A. No. There was a -- there was a revision</p> <p>10 made from the Coast Guard, one that they requested.</p> <p>11 Q. The Coast Guard asked for a revision?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And what did they request that you</p> <p>14 revise?</p> <p>15 A. I don't remember off the top of my head</p> <p>16 exactly what it was, but they -- Lieutenant requested</p> <p>17 a revision.</p> <p>18 Q. Lieutenant Palomba?</p> <p>19 A. Yes.</p> <p>20 Q. And did she request the revision before</p> <p>21 you signed it on the 26th of June 2024?</p> <p>22 A. I believe so.</p> <p>23 Q. So was there a separate form submitted</p> <p>24 prior to this one that's signed on the 26th of June?</p> <p>25 A. I would have to reference the dates. I</p>

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<p>1 Moore - April 28, 2025</p> <p>2 don't remember off the top of my head.</p> <p>3 Q. So there was a -- but there would have</p> <p>4 been two forms, Coast Guard Form 2692s, that were</p> <p>5 submitted to the Coast Guard?</p> <p>6 A. Yes --</p> <p>7 Q. And --</p> <p>8 A. -- I believe so.</p> <p>9 Q. -- you don't recall what she asked you</p> <p>10 to revise?</p> <p>11 A. Not right now, I don't.</p> <p>12 Q. All right.</p> <p>13 A. Oh, okay. So I do -- now reading this,</p> <p>14 the first one was the initial one I believe Lenny</p> <p>15 submitted of the bridge fendering. And then after we</p> <p>16 discovered the fact that it was the bridge, when she</p> <p>17 had notified us on here, the bridge structure.</p> <p>18 So the first one was for the bridge</p> <p>19 fendering, and then she asked us to -- Lenny and I</p> <p>20 to -- I don't know if it came through Lenny or if it</p> <p>21 came through me, whatever it was, but that is the</p> <p>22 whole e-mail chain asking for a revision.</p> <p>23 Q. All right. So there was one that was</p> <p>24 submitted that just described the extent of property</p> <p>25 damage to the fendering system?</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. I don't know off the top of my head. IT</p> <p>3 would have all that.</p> <p>4 Q. So in the form that Mr. Baldassare</p> <p>5 submitted, were there different descriptions in block</p> <p>6 25A and B?</p> <p>7 A. I would have to reference it.</p> <p>8 Q. So how did you arrive at the</p> <p>9 determination that, in fact, the barge had hit the</p> <p>10 bridge rather than the fendering system?</p> <p>11 A. That's when Lieutenant Palomba called us</p> <p>12 and said it did, in fact, hit it.</p> <p>13 Q. And did you receive any photographic</p> <p>14 evidence from the Coast Guard to that effect?</p> <p>15 A. No. She did say there was a video, but</p> <p>16 she didn't have it and I didn't have it at the time,</p> <p>17 but that's why she requested us to change it.</p> <p>18 Q. Was that in an e-mail that she sent to</p> <p>19 you?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So there's a 2692-B form that's part of</p> <p>22 this that was apparently submitted and signed by</p> <p>23 Mr. Baldassare on June 19th --</p> <p>24 A. Yes, sir.</p> <p>25 Q. -- 2024.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. And that was not correct?</p> <p>4 A. After we realized it was, in fact, the</p> <p>5 bridge, that's when she asked us to submit the</p> <p>6 revision.</p> <p>7 Q. Okay. When did Mr. Baldassare submit</p> <p>8 his version of the 2692?</p> <p>9 A. I don't know off the top of my head. It</p> <p>10 was between the incident and -- I don't remember</p> <p>11 exactly. I --</p> <p>12 MR. RODGERS: Don't guess. Don't --</p> <p>13 Q. And does the company still have a copy</p> <p>14 of the one that Mr. Baldassare submitted?</p> <p>15 A. I have not seen it, but I'm sure the</p> <p>16 Coast Guard has it in hand. I don't remember</p> <p>17 recalling it, the first one, because I didn't sign</p> <p>18 the first one.</p> <p>19 Q. Did the company delete it from its</p> <p>20 records?</p> <p>21 A. No. There's not way.</p> <p>22 Q. Okay. So you'd still have it?</p> <p>23 A. It -- probably within Lenny's e-mails.</p> <p>24 Q. Okay. And does the company still have</p> <p>25 Mr. Baldassare's e-mails?</p>	<p>1 Moore - April 28, 2025</p> <p>2 Do you know if that's the date that he</p> <p>3 would have submitted the original 2692?</p> <p>4 A. I couldn't tell you. I don't know.</p> <p>5 Q. On page 1 of Exhibit 19, in block 10,</p> <p>6 the box for Unintended grounding or unintended strike</p> <p>7 of (allision with) a bridge is checked. Right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Was that box checked when the first form</p> <p>10 was submitted?</p> <p>11 A. I do not know off the top of my head.</p> <p>12 Q. The entries in block 25A and block 25B,</p> <p>13 were those drafted by you?</p> <p>14 A. Yes, I believe so.</p> <p>15 Q. So in 25A, the second sentence says The</p> <p>16 officer on watch, James Morrissey, was in auto pilot</p> <p>17 and didn't switch over to non-followup hand steering,</p> <p>18 but thought he did.</p> <p>19 Sir, is there any reference to being in</p> <p>20 auto pilot in either of Mr. Morrissey's statements?</p> <p>21 A. Not in the statements I can recall, but</p> <p>22 it was during the NTSB interview with the Coast Guard</p> <p>23 on board, as well. That's when I believe Lieutenant</p> <p>24 asked me to revise it, after she heard.</p> <p>25 Q. Did you attend that interview?</p>

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<p style="text-align: right;">Page 246</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. And it was aboard the vessel?</p> <p>4 A. Yep.</p> <p>5 Q. Like in the galley or --</p> <p>6 A. In the wheelhouse.</p> <p>7 Q. Oh, in the wheelhouse?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And who all was present?</p> <p>10 A. It was the gentleman from NTSB; and then</p> <p>11 there was three people, via Teams or Zoom, from Coast</p> <p>12 Guard sector Norfolk; and then it was individually a</p> <p>13 different counsel before Clyde Co.</p> <p>14 MR. RODGERS: For Carver?</p> <p>15 THE WITNESS: Yes.</p> <p>16 A. Our Carver -- our counsel, and then the</p> <p>17 individuals being interviewed.</p> <p>18 Q. So Mr. Abel, an attorney in Norfolk,</p> <p>19 Virginia, was present for those interviews?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And were all five crew members</p> <p>22 interviewed by the Coast Guard?</p> <p>23 A. I don't recall all five being</p> <p>24 interviewed. I believe they did Captain Chris --</p> <p>25 they -- correction.</p>	<p style="text-align: right;">Page 248</p> <p>1 Moore - April 28, 2025</p> <p>2 interviewed later by Zoom -- via Zoom?</p> <p>3 A. Yes.</p> <p>4 Q. Were you present for that?</p> <p>5 A. No.</p> <p>6 Q. Who, to your knowledge, was present for</p> <p>7 that?</p> <p>8 A. I don't know off the top of my head.</p> <p>9 Q. Did Mr. Baldassare ever report being</p> <p>10 present for it?</p> <p>11 A. No.</p> <p>12 Q. And did they interview Mr. Morrissey</p> <p>13 while he was at home or, you know, something like</p> <p>14 that?</p> <p>15 A. I don't -- I don't know where he was.</p> <p>16 Q. All these interviews that happened in</p> <p>17 person were on the same day?</p> <p>18 A. Yes.</p> <p>19 Q. Would that have been June 25th of 2024?</p> <p>20 A. I would have to look up to see when the</p> <p>21 NTSB arrived. I don't know exactly.</p> <p>22 Q. Was Mr. Meyerrose aboard the vessel that</p> <p>23 day?</p> <p>24 A. He was also aboard the vessel, because</p> <p>25 the boat was just free, and he was on board to do a</p>
<p style="text-align: right;">Page 247</p> <p>1 Moore - April 28, 2025</p> <p>2 They did everybody who was on board.</p> <p>3 Captain Morrissey was already off, because the NTSB</p> <p>4 had arrived a couple days later, and I believe they</p> <p>5 did his via Teams or Zoom, whatever it was,</p> <p>6 separately. But I was not there for that one.</p> <p>7 Q. So there was a person from the National</p> <p>8 Transportation Safety Board present in person for</p> <p>9 those interviews?</p> <p>10 A. Yes, sir.</p> <p>11 Q. All right. And you were there?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Was Mr. Baldassare there?</p> <p>14 A. I don't recall if he was.</p> <p>15 Q. And you said Mr. Able was there,</p> <p>16 Christopher Abel, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And then who was actually interviewed</p> <p>19 among the crew members in person on that occasion?</p> <p>20 A. Captain Chris Miller, AB Jarkeis</p> <p>21 Morrissey, able-bodied Sharif Porter, and Engineer</p> <p>22 Jason McGrath.</p> <p>23 Q. So everybody but Captain Morrissey?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And you believe Captain Morrissey was</p>	<p style="text-align: right;">Page 249</p> <p>1 Moore - April 28, 2025</p> <p>2 survey of the vessel.</p> <p>3 Q. That day?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. And had you hired him to do a</p> <p>6 survey?</p> <p>7 A. Yes.</p> <p>8 Q. It wasn't Mr. Able that hired him?</p> <p>9 A. No, but it went through me, but I don't</p> <p>10 recall if it was suggested by Mr. Able or not.</p> <p>11 Q. What was the purpose of having the</p> <p>12 vessel surveyed?</p> <p>13 A. Inspected for damage.</p> <p>14 Q. Not to value the vessel?</p> <p>15 A. I believe they also did a condition</p> <p>16 value of the vessel, too.</p> <p>17 Q. So just to be clear, then, when did you</p> <p>18 actually learn that Morrissey said he was in auto</p> <p>19 pilot and did not switch over to non-followup hand</p> <p>20 steering, even though he thought he did? When did</p> <p>21 you learn that?</p> <p>22 A. I don't remember exactly when. No, I</p> <p>23 don't remember exactly when, if it was Captain Chris</p> <p>24 Miller, where James Morrissey was. Because James</p> <p>25 wasn't there, obviously.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 But I don't recall if the interview was</p> <p>3 with James also that day or if it was separate -- a</p> <p>4 separate day.</p> <p>5 Q. So you never -- since you didn't attend</p> <p>6 that interview, you never heard him say that, right?</p> <p>7 MR. RODGERS: Objection to form.</p> <p>8 A. I'm -- it's over a year -- almost a year</p> <p>9 ago. I'm trying to remember exactly what was</p> <p>10 happening. There was a lot going on at that time. I</p> <p>11 don't remember exactly who, what, where, why of that</p> <p>12 one. It would -- but it would have to reference the</p> <p>13 NTSB transcript.</p> <p>14 Q. And do you have a copy of it?</p> <p>15 A. No, sir.</p> <p>16 Q. You do?</p> <p>17 A. No, sir, I said.</p> <p>18 Q. So this is what I'm trying to</p> <p>19 understand. If Morrissey wasn't interviewed that day</p> <p>20 and you didn't attend Morrissey's interview, how is</p> <p>21 it that you knew to state that Morrissey was in auto</p> <p>22 pilot and didn't switch over to non-followup hand</p> <p>23 steering but thought he did?</p> <p>24 MR. RODGERS: Objection. And just to be</p> <p>25 clear, I thought he said Morrissey was</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Right.</p> <p>3 Q. He was down in the rack, right?</p> <p>4 A. Correct.</p> <p>5 Q. So in the block 25B, in this exhibit,</p> <p>6 page 112 --</p> <p>7 A. Yep.</p> <p>8 Q. -- the first sentence says The OOW --</p> <p>9 officer of the watch, right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. -- had failed to properly switch to hand</p> <p>12 steering and also gave minimal engine orders at first</p> <p>13 in order to prevent further headway of a course</p> <p>14 change.</p> <p>15 So how do you know that he gave minimal</p> <p>16 engine orders at first?</p> <p>17 A. Because that must have also been -- so</p> <p>18 then recollection of it would have been -- of me</p> <p>19 being with him on that -- in Teams meeting, because</p> <p>20 that's what I remember of that, of what he -- of he</p> <p>21 said.</p> <p>22 First it was initial, I started to</p> <p>23 throttle back a little bit, and then went to stern.</p> <p>24 Q. How do you give engine orders from the</p> <p>25 wheelhouse or the upper pilot house on that tug?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 interviewed by Teams or Zoom --</p> <p>3 THE WITNESS: Yeah.</p> <p>4 MR. RODGERS: -- that day.</p> <p>5 MR. CHAPMAN: Well, don't put words in</p> <p>6 his mouth, okay? Don't put words in his mouth.</p> <p>7 MR. RODGERS: No, it's what I heard him</p> <p>8 testify to. You're putting words into his</p> <p>9 mouth.</p> <p>10 THE WITNESS: Right. So --</p> <p>11 MR. RODGERS: You're saying he wasn't</p> <p>12 interviewed. He said he was. Can we clear it</p> <p>13 up one way or the other.</p> <p>14 A. The clarification is I don't remember</p> <p>15 exactly who was where during that. It was obviously</p> <p>16 a long day of that, too. So I don't remember exactly</p> <p>17 when James was interviewed for that, but I definitely</p> <p>18 remember hearing that from Captain Miller and/or</p> <p>19 James, but I would have to reference that one.</p> <p>20 Q. Do you know whether Captain Miller was</p> <p>21 also in the wheelhouse when Captain Morrissey was at</p> <p>22 the conn at the time of the allision?</p> <p>23 A. No, I don't know exactly if not, but he</p> <p>24 says he wasn't.</p> <p>25 Q. And his statement was that he was not?</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. It has its own separate connestation up</p> <p>3 there as well.</p> <p>4 Q. Yeah.</p> <p>5 So he has engine control --</p> <p>6 A. Yes, sir.</p> <p>7 Q. -- up in that station?</p> <p>8 A. Yep.</p> <p>9 Q. He doesn't have to inform the engineer</p> <p>10 to do anything in the engine space, right?</p> <p>11 A. No.</p> <p>12 Q. So when you say he gave minimal engine</p> <p>13 orders, what does that mean?</p> <p>14 A. From whatever speed he was at, to not --</p> <p>15 he didn't go from there to full stern.</p> <p>16 Q. So in the second sentence in block 25B,</p> <p>17 it says The OOW, officer of the watch, stated that</p> <p>18 once he did switch to hand steering, he gave a slow</p> <p>19 astern at first and then full astern, right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So what was required or how did he</p> <p>22 explain the process of switching to hand steering?</p> <p>23 A. I don't recall him -- I don't recall him</p> <p>24 describing the process.</p> <p>25 Q. So --</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. I don't remember the process.</p> <p>3 Q. All right.</p> <p>4 (Discussion held off the record.)</p> <p>5 Q. So on the 2692-B that was completed by</p> <p>6 Mr. Baldassare, it looks like signed by him on</p> <p>7 June 19th, this is the report of the mandatory</p> <p>8 chemical testing --</p> <p>9 A. Yes.</p> <p>10 Q. -- following a serious marine incident,</p> <p>11 right?</p> <p>12 And this reflects that all five members</p> <p>13 of the crew held Coast Guard credentials, right --</p> <p>14 A. Yes.</p> <p>15 Q. -- in Section 3, block 5?</p> <p>16 And then in block 6, no one was -- no</p> <p>17 one underwent a drug test urine sampling within</p> <p>18 32 hours of the incident, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And no one was tested for alcohol within</p> <p>21 two hours of the incident, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And in block 7, did Mr. Baldassare</p> <p>24 review what he reported in that section before</p> <p>25 submitting this report to the Coast Guard?</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. No. Nothing directed. Didn't have</p> <p>3 counsel in it or the Coast Guard, I believe.</p> <p>4 Q. All right. Do you still have those</p> <p>5 e-mails?</p> <p>6 A. Yes.</p> <p>7 Q. In the report of mandatory chemical</p> <p>8 testing of 2692-B, page 1114, none of the blocks in</p> <p>9 No. 4 are checked.</p> <p>10 Do you know why?</p> <p>11 A. I do not know why.</p> <p>12 Q. Do you know if one was ever completed</p> <p>13 that was checked, those blocks were checked?</p> <p>14 A. I do not know.</p> <p>15 Q. And then if you turn to page 116, this</p> <p>16 is the 2692-A Barge Addendum?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you know who completed this report?</p> <p>19 A. I also believe it was Lenny.</p> <p>20 Q. All right. It describes the extent of</p> <p>21 the property damage in block 3K --</p> <p>22 A. Yes, sir.</p> <p>23 Q. -- or next to 3K. Displacement of Belt</p> <p>24 Line Bridge support structure.</p> <p>25 You think Mr. Baldassare told them that?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. I would believe so.</p> <p>3 MR. RODGERS: Don't guess.</p> <p>4 A. No. So then no, I didn't -- I didn't</p> <p>5 type this up or review it, so I don't know what he</p> <p>6 would have done.</p> <p>7 Q. You're saying he didn't run it by you,</p> <p>8 though?</p> <p>9 MR. RODGERS: Objection. I don't think</p> <p>10 he said that.</p> <p>11 Q. Well, if he did, you can correct me.</p> <p>12 I'm sorry. I --</p> <p>13 A. No, it's right. I don't recall him</p> <p>14 running this by me for this one, because I believe it</p> <p>15 was all in that same Coast Guard e-mail thread.</p> <p>16 Q. Did you e-mail with anybody besides</p> <p>17 Lieutenant Palomba at the Coast Guard regarding this</p> <p>18 incident?</p> <p>19 A. Nobody separately that she wasn't</p> <p>20 involved with.</p> <p>21 Q. Did you e-mail separately with the -- I</p> <p>22 forget the guy's name, with the National</p> <p>23 Transportation Safety Board?</p> <p>24 A. Lucas Wisnowski?</p> <p>25 Q. Yeah. Okay.</p>	<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection. Calls for</p> <p>3 speculation.</p> <p>4 A. This would have been submitted. It's --</p> <p>5 Q. I can't find a date on it, so I don't</p> <p>6 know when it was submitted.</p> <p>7 A. No, it's true. There's no date on it,</p> <p>8 but it -- this would also be in that e-mail thread</p> <p>9 with the Coast Guard. It was probably a request by</p> <p>10 Lieutenant to submit this one as well.</p> <p>11 Q. Okay.</p> <p>12 MR. CHAPMAN: I think this is 20.</p> <p>13 (Exhibit 20, Daily Engine Room Logs,</p> <p>14 marked for identification, as of this date.)</p> <p>15 THE VIDEOGRAPHER: We are going off the</p> <p>16 record. The time is 5:06 p.m.</p> <p>17 (Discussion off the record.)</p> <p>18 THE VIDEOGRAPHER: Beginning Media No.</p> <p>19 5. We are back on the record. The time is 5:17</p> <p>20 p.m.</p> <p>21 BY MR. CHAPMAN:</p> <p>22 Q. Mr. Moore, you've been handed</p> <p>23 Exhibit 20, which I believe is a collection of Daily</p> <p>24 Engine Room Logs covering roughly June 12th through</p> <p>25 June 16th, 2024.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 They're in this exhibit in the order in</p> <p>3 which they were produced, which is Carver 000118</p> <p>4 through 147, although they're not necessarily all in</p> <p>5 that kind of right chronological order.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. So just looking at page 1, this</p> <p>8 is a report on the hours on the engines or the</p> <p>9 gensets on the boat, right?</p> <p>10 A. Yes.</p> <p>11 Q. Is there a reason that Brandon Kuster</p> <p>12 would fill this out versus the engineer?</p> <p>13 A. There's a way -- and it's more of a Helm</p> <p>14 operating issue, that you -- if you don't log out, it</p> <p>15 just keeps you logged in for the entire time.</p> <p>16 So it's common a lot of the -- the crews</p> <p>17 will forget to log out when they crew change or</p> <p>18 whatever may happen, and there's a separation of</p> <p>19 engine room logs versus wheelhouse logs. So a</p> <p>20 separate person can be logged in for engineering as</p> <p>21 they can be for wheelhouse logs.</p> <p>22 Q. So if I understood what you said,</p> <p>23 McGrath might have filled this out?</p> <p>24 A. Correct.</p> <p>25 MR. RODGERS: Objection.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. -- right?</p> <p>3 Do they also get flagged if they're not</p> <p>4 timely filled out?</p> <p>5 A. I believe so -- correction. They do.</p> <p>6 Q. So the first several pages cover hours</p> <p>7 on the engine, and then beginning on page 128, and</p> <p>8 where it looks to me like those start some separate</p> <p>9 report on readings, you know, oil pressure, water</p> <p>10 system, that sort of thing?</p> <p>11 A. Yes, sir.</p> <p>12 Q. That's a separate report though,</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And then if you go to page</p> <p>16 136, it looks like this is yet another sort of engine</p> <p>17 room log report. I don't know what the shortening</p> <p>18 actually means, maintenance procedure report?</p> <p>19 A. I don't know what that is shortened for</p> <p>20 either.</p> <p>21 Q. Okay. But it's a third engine room log</p> <p>22 report, correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. That all have to be filled out</p> <p>25 presumably by the engineer, even though it says</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. He filled it out as -- logged in as</p> <p>3 Kuster?</p> <p>4 A. Mistakenly, yes.</p> <p>5 Q. Okay. Is there any way to know who</p> <p>6 actually filled it out, then?</p> <p>7 A. We can -- you would look at Brandon</p> <p>8 Kuster, if he was assigned to a different vessel</p> <p>9 somewhere else in the payroll.</p> <p>10 Q. Well, okay.</p> <p>11 And then it says Inspected, June 13th,</p> <p>12 2024, 1503, so then this report was prepared around</p> <p>13 three o'clock in the afternoon? See that on page 1?</p> <p>14 A. Yes, that's correct, when they did that.</p> <p>15 Q. And like the daily logs, is this also</p> <p>16 submitted to the company?</p> <p>17 A. Yeah. It is able to be seen by anybody</p> <p>18 in Helm.</p> <p>19 Q. And is there anybody with sort of</p> <p>20 specific responsibility for reviewing these as</p> <p>21 they're -- they come into the company?</p> <p>22 A. No.</p> <p>23 Q. But anybody who has access to Helm could</p> <p>24 look at them --</p> <p>25 A. Yes, sir.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Mr. Kuster filled them out?</p> <p>3 A. Correct.</p> <p>4 Q. You wouldn't expect the captain to fill</p> <p>5 those reports out, would you?</p> <p>6 A. No, sir.</p> <p>7 Q. All right.</p> <p>8 MR. CHAPMAN: Mark this 21, please.</p> <p>9 (Exhibit 21, Helm Screenshot, marked for</p> <p>10 identification, as of this date.)</p> <p>11 Q. You've been handed a one-page exhibit</p> <p>12 marked 21, which is Carver 000200, and at the top it</p> <p>13 says Screenshot from Helm of Event.</p> <p>14 And do you know how this was obtained or</p> <p>15 what we're looking at here?</p> <p>16 A. No, sir, I do not.</p> <p>17 Q. And this is as clear as the copy that I</p> <p>18 got.</p> <p>19 A. Right. No, I actually do not know this</p> <p>20 one.</p> <p>21 Q. So I can read. In the middle there it</p> <p>22 says Mate James Morrissey reports the auto pilot was</p> <p>23 not completely turned off. He was able to correct</p> <p>24 and switch back over to hand steering and began</p> <p>25 backing on the Weeks 281 barge and maneuvered the</p>

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<p>1 Moore - April 28, 2025</p> <p>2 barge alongside fendering on the north, and PBL</p> <p>3 railroad bridge. Photo taken. Proceeds slowly away</p> <p>4 from the bridge.</p> <p>5 So I can't really tell, but it looks</p> <p>6 like it might have been Captain Miller, Christopher</p> <p>7 Miller --</p> <p>8 A. Yes, sir.</p> <p>9 Q. -- that prepared this.</p> <p>10 I mean, is this available in some other</p> <p>11 view where you could actually read the whole thing</p> <p>12 and understand all the details?</p> <p>13 A. I don't know. I wouldn't know how to</p> <p>14 access this.</p> <p>15 Q. Okay.</p> <p>16 A. It's hard to reference.</p> <p>17 Q. So it says that the time is 1530 on</p> <p>18 June 15, 2024.</p> <p>19 You see that?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So do you know what -- is that the time</p> <p>22 that it was entered or is that -- like what is that?</p> <p>23 A. I could not tell you.</p> <p>24 Q. Are there any attachments?</p> <p>25 A. It looks like zero attachments.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. -- right?</p> <p>4 Is this the same data that is then</p> <p>5 entered into that Helm record?</p> <p>6 A. I would -- I don't know exactly if it's</p> <p>7 the day of or prior day of. I would have to look at</p> <p>8 it.</p> <p>9 Q. So the whole book, all 365 pages, is</p> <p>10 somewhere, right?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know where?</p> <p>13 A. No.</p> <p>14 Q. Is it your practice to take them off the</p> <p>15 boat when there's a new year and store them</p> <p>16 somewhere?</p> <p>17 A. We don't necessarily store them, because</p> <p>18 they're not really a required -- you know, it would</p> <p>19 be similar to like a notepad being stored in the</p> <p>20 wheelhouse, that you would write notes and comments</p> <p>21 and positions down. So not necessarily. Now of the</p> <p>22 fact that because we have the digital logs.</p> <p>23 Q. Do you recall being asked to keep it for</p> <p>24 any reason?</p> <p>25 A. I don't recall exactly being asked to</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. Do you know if this is the screen where</p> <p>3 an entry would be made?</p> <p>4 A. I don't know exactly. I don't remember</p> <p>5 what the entry screens would look like.</p> <p>6 Q. Okay. It looks like there's a drop-down</p> <p>7 selection box where it says Incident?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So do you know what else you can record</p> <p>10 in here besides an incident?</p> <p>11 A. No, I don't know off the top of my head.</p> <p>12 MR. CHAPMAN: Can we mark this as 22.</p> <p>13 (Exhibit 22, Handwritten Logs, marked</p> <p>14 for identification, as of this date.)</p> <p>15 THE WITNESS: Are these yours?</p> <p>16 MR. CHAPMAN: Yeah.</p> <p>17 THE WITNESS: Thank you.</p> <p>18 Q. Mr. Moore, you've been handed</p> <p>19 Exhibit 22, which I take to be the Rough Engine Log</p> <p>20 for the MACKENZIE ROSE?</p> <p>21 A. Yes, sir.</p> <p>22 Q. It doesn't say MACKENZIE ROSE on it</p> <p>23 anywhere, but it looks like one of those journal-type</p> <p>24 logbooks you were describing earlier. This one for</p> <p>25 2024 --</p>	<p>1 Moore - April 28, 2025</p> <p>2 keep it, but I'm sure we took it off the vessel after</p> <p>3 the fact.</p> <p>4 Q. All right. These are pages that were</p> <p>5 photocopied from it, though?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 MR. CHAPMAN: Mark that as 23, please.</p> <p>9 (Exhibit 23, Handwritten Logs, marked</p> <p>10 for identification, as of this date.)</p> <p>11 Q. You've been handed Exhibit 23, and to my</p> <p>12 understanding, this is the deck log, the rough deck</p> <p>13 log --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- from the MACKENZIE ROSE, covering</p> <p>16 June 12th through June 16th, 2024 --</p> <p>17 A. Yes.</p> <p>18 Q. -- correct?</p> <p>19 A. Correct.</p> <p>20 Q. Again, same question. Where does the</p> <p>21 book with all 365 pages in it go?</p> <p>22 A. I don't know where it is currently, but</p> <p>23 I believe we took it off the vessel.</p> <p>24 Q. All right. Do you recall being asked to</p> <p>25 retain this?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. I don't recall.</p> <p>3 Q. So if you could turn to page 242 in the</p> <p>4 exhibit.</p> <p>5 Do you know whose handwriting is whose?</p> <p>6 A. I do not.</p> <p>7 Q. It would have been either Morrissey or</p> <p>8 Miller, right?</p> <p>9 A. I believe so.</p> <p>10 Q. So it -- I'm not really sure how this --</p> <p>11 it looks to me like some of the time stamps might be</p> <p>12 cut off over on the left-hand side of this page.</p> <p>13 But what looks like 1:30 says Arrive</p> <p>14 light boat at barge. Meet with Brian Hales,</p> <p>15 Surveyor.</p> <p>16 On the Helm log, it says 11:30. That's</p> <p>17 what leads me to believe that maybe the 1 is cut off,</p> <p>18 right?</p> <p>19 A. Right.</p> <p>20 Q. And then the next entry there, it</p> <p>21 says -- it looks like it says 2, right, two</p> <p>22 o'clock --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- Brian Hales off tug and barge.</p> <p>25 Maybe that's noon, but if it was 2 p.m.,</p>	<p>1 Moore - April 28, 2025</p> <p>2 Now, that entry doesn't show up in the</p> <p>3 Helm system, does it?</p> <p>4 A. No.</p> <p>5 Q. But it's here in the rough log?</p> <p>6 A. Yes.</p> <p>7 Q. When did you get a copy of this rough</p> <p>8 log?</p> <p>9 A. Not until well after the fact.</p> <p>10 Q. You didn't ask the folks in the boat to</p> <p>11 photocopy it or take a picture of it and send it to</p> <p>12 you?</p> <p>13 A. No, because we don't utilize the rough</p> <p>14 logs. Their own personal -- not -- sorry,</p> <p>15 correction. They're not for personal use, but</p> <p>16 they're for their guys to write notes down. So when</p> <p>17 they do get squared away, they can safely type it</p> <p>18 into the laptop.</p> <p>19 Q. But they never typed that into the Helm</p> <p>20 report for June 15th, 2024, did they?</p> <p>21 A. No, but not everything that's on here is</p> <p>22 an official logbook entry.</p> <p>23 Q. So when you allide with a bridge, unless</p> <p>24 it goes into the Helm system, it's just not an</p> <p>25 official logbook entry?</p>
<p>1 Moore - April 28, 2025</p> <p>2 I would assume they would put 1400.</p> <p>3 A. I would assume it, but they very well</p> <p>4 might have.</p> <p>5 Q. Okay. But it says Brian Hales off tug</p> <p>6 and barge. And then somebody's made the entry Weeks</p> <p>7 281, MACKENZIE ROSE, 14.</p> <p>8 And then there's the next kind of line</p> <p>9 underneath it -- written underneath that says Drafts.</p> <p>10 4-foot, 6-inch bow. 5-foot, 0-inch stern, right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Now, you told us earlier that the tug</p> <p>13 drew 16 feet?</p> <p>14 A. It was estimated, 15 to 16 feet.</p> <p>15 Q. Okay. Are these tug drafts or barge</p> <p>16 drafts, to your reading of it?</p> <p>17 A. The 14 feet would be the tow draft and</p> <p>18 then the 4-foot, 6 and 5-foot, 0 would be the barge</p> <p>19 drafts.</p> <p>20 Q. So she was slightly down at the stern by</p> <p>21 a few inches, right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Then it 1630, it says Cocaptain</p> <p>24 reports steering went hard over, and he was backing</p> <p>25 in. We tapped the north end PBL railroad bridge.</p>	<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: Objection.</p> <p>3 A. They wrote -- on the logbook entry, they</p> <p>4 wrote Incident in Helm.</p> <p>5 Q. And -- but they didn't write that the</p> <p>6 steering went hard over in Helm, did they?</p> <p>7 A. I don't remember.</p> <p>8 MR. RODGERS: You have to show it to</p> <p>9 him.</p> <p>10 Q. And then at 1635, it says Called Brian</p> <p>11 Moore and Lenny B.</p> <p>12 That's Lenny Baldassare, correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. To report incident.</p> <p>15 And then 1650, Multiple calls made</p> <p>16 between management.</p> <p>17 Now, would that have been from the</p> <p>18 company's phone on the tug?</p> <p>19 A. I -- yes. It would have been. It</p> <p>20 should have been, but I can't guarantee the other</p> <p>21 calls.</p> <p>22 Q. Okay. And then the 1655, Lenny B</p> <p>23 reports that Coast Guard is letting us proceed to</p> <p>24 NYH, New York Harbor?</p> <p>25 A. Yes, sir.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. So they've made that as a report in this</p> <p>3 log, right?</p> <p>4 A. Yep.</p> <p>5 Q. They don't mention taking any photos of</p> <p>6 the bridge, though, right?</p> <p>7 A. Nope, note in here.</p> <p>8 Q. This logbook, the hard copy -- we would</p> <p>9 call it the rough deck log -- that's provided by the</p> <p>10 company to the tug, isn't it?</p> <p>11 A. They can request it on their dailies or</p> <p>12 like supplies, requisitions, and then they're just</p> <p>13 issued out part of --</p> <p>14 Q. The company's got a stock of them and</p> <p>15 provides them --</p> <p>16 A. No.</p> <p>17 Q. -- year over year?</p> <p>18 A. No, we do not. It would be purchased as</p> <p>19 per the boats, because not everybody uses it. Some</p> <p>20 guys will use a simple note sheet or a, you know,</p> <p>21 piece of paper for their daily rough notes.</p> <p>22 Q. The company pays for this logbook to be</p> <p>23 on the boat, though, right?</p> <p>24 A. I would have to look at and see if we</p> <p>25 purchased the log.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Exhibit 24, Mr. Moore, which is two pages of what</p> <p>3 look like either invoices or repair orders from Ayers</p> <p>4 Marine Electronics in Chesapeake, Virginia,</p> <p>5 pertaining to the MACKENZIE ROSE, numbered Carver</p> <p>6 0000249 and 250.</p> <p>7 You see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What do these represent?</p> <p>10 A. These are some of the technician reports</p> <p>11 to work on the auto pilot and some other items as</p> <p>12 VHF -- such as VHF radios and a Nema expander, which</p> <p>13 is utilized for syncing of equipments, either GPSs or</p> <p>14 computers or VHF's. I don't know exactly what it's</p> <p>15 for, but I've seen them before.</p> <p>16 Q. On page 249, the first page of this</p> <p>17 exhibit, there's a -- sort of a description of work</p> <p>18 performed, and it says Tested and checked all auto</p> <p>19 pilot connections. Found auto pilot back on, was at</p> <p>20 120 ohms. I think that's ohms.</p> <p>21 A. That looks like an ohms to me, yes.</p> <p>22 Q. All right. So do you know what it's</p> <p>23 supposed to be?</p> <p>24 A. No, sir, I do not.</p> <p>25 Q. Do you know whether 120 ohms is kind of</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. Who would buy it if the company didn't?</p> <p>3 A. Purchasing. Oh, the captains or crews.</p> <p>4 I've done that before in my past when I sailed.</p> <p>5 Q. And would they be reimbursed for it?</p> <p>6 A. If they submitted for it, they would,</p> <p>7 but -- correction. If they submitted for it,</p> <p>8 probably not because it's not a regular order, but</p> <p>9 lots of guys carry their own personal notebooks for</p> <p>10 their travels and their history.</p> <p>11 Q. So on this logbook, it doesn't like say</p> <p>12 Carver inside of it or on the cover or --</p> <p>13 A. No, sir.</p> <p>14 Q. It says Tug MACKENZIE ROSE on it or</p> <p>15 something like that?</p> <p>16 A. I don't know what that one would --</p> <p>17 says. They usually just say red journal and it has</p> <p>18 the date. 2024, 2025.</p> <p>19 Q. Okay.</p> <p>20 MR. CHAPMAN: Would you mark that as 24,</p> <p>21 please.</p> <p>22 (Exhibit 24, Ayers Marine Electronics</p> <p>23 Documents, marked for identification, as of this</p> <p>24 date.)</p> <p>25 Q. This is -- you've been handed</p>	<p>1 Moore - April 28, 2025</p> <p>2 like the right --</p> <p>3 A. I -- that is -- far exceeds my knowledge</p> <p>4 of that. I don't know.</p> <p>5 Q. All right. Do you know what date this</p> <p>6 work was done?</p> <p>7 A. The labor hours have it April 3rd, 4th</p> <p>8 and April 5th.</p> <p>9 Q. And is there a separate invoice that</p> <p>10 would go with this to sort of document that they</p> <p>11 billed you for it and you paid it?</p> <p>12 A. Correct. Yes.</p> <p>13 Q. And how does the company kind of keep</p> <p>14 track of that stuff?</p> <p>15 A. With their accounts payable and</p> <p>16 receivables team.</p> <p>17 Q. So this is like a vendor folder for</p> <p>18 Ayers Marine?</p> <p>19 A. Yes.</p> <p>20 Q. And then the second page of Exhibit 24</p> <p>21 actually has dates in it. It looks like April 10th</p> <p>22 and 11th --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- 2024.</p> <p>25 And that would be just like a week later</p>

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<p>1 Moore - April 28, 2025</p> <p>2 thereabouts or few days later?</p> <p>3 A. Somewhere in there, yes.</p> <p>4 Q. And under the work performed, it says</p> <p>5 Diagnose complaint that rudder went hard over</p> <p>6 underway. Checked over steering system. Updated</p> <p>7 software in auto pilot. Replace solid state relays</p> <p>8 with mechanical ones. May have caused issue.</p> <p>9 All right. So you know what any of that</p> <p>10 means?</p> <p>11 A. Not expertly, I don't know.</p> <p>12 Q. Okay. So do you know who installed the</p> <p>13 solid state relays?</p> <p>14 A. I would have to reference it, but I</p> <p>15 believe it was GMT/Mackay.</p> <p>16 Q. And Ayers decided to replace them with</p> <p>17 mechanical ones --</p> <p>18 A. Correct.</p> <p>19 Q. -- right?</p> <p>20 Now, a little further down, there's</p> <p>21 like a -- somebody's drawn an arrow, and it looks</p> <p>22 like it continues below.</p> <p>23 See the end, it says -- near the end, it</p> <p>24 says Install VPS battery backup on auto pilot. Upper</p> <p>25 monitor not working. Found one laptop lid was open</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes, sir.</p> <p>3 Q. -- before the allision with the bridge?</p> <p>4 A. Yeah. To my knowledge, there was</p> <p>5 no additional auto pilot work done before -- after</p> <p>6 this -- sorry, correction -- and after the allision.</p> <p>7 Q. Okay.</p> <p>8 MR. CHAPMAN: So would you mark these as</p> <p>9 25, please. Mark this as 25.</p> <p>10 (Exhibit 25, GMT Mackay Marine Invoices,</p> <p>11 marked for identification, as of this date.)</p> <p>12 Q. You've been handed Exhibit 25. You</p> <p>13 mentioned GMT Mackay as another repair company --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- on your marine electronics.</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. So Exhibit 25 consists of</p> <p>18 three pages labeled Carver 000251, 252, and 821, just</p> <p>19 because the way they were produced to us, but I</p> <p>20 believe this is all of the ones that were produced.</p> <p>21 So can you tell us what GMT Mackay was</p> <p>22 doing on the MACKENZIE ROSE.</p> <p>23 A. The vessel was down in New Orleans</p> <p>24 getting ready to pick up some barges, and the -- it</p> <p>25 looks like Lars, or sorry, Christian Nunnaman called</p>
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<p>1 Moore - April 28, 2025</p> <p>2 causing issue.</p> <p>3 Do you know what they did there?</p> <p>4 A. No, I do not know what a VPS battery</p> <p>5 backup is.</p> <p>6 Q. Is a VPS battery backup associated with</p> <p>7 the auto pilot?</p> <p>8 A. Correction. I believe it's a UPS --</p> <p>9 Q. UPS, okay.</p> <p>10 A. -- battery backup, and that is -- so if</p> <p>11 you were to lose the main engines or generator, the</p> <p>12 -- our battery backups would have -- allow you</p> <p>13 technically 24 hours' navigation on certain pieces of</p> <p>14 equipment.</p> <p>15 Q. Okay. And then some upper monitor not</p> <p>16 working.</p> <p>17 Is that the auto pilot monitor?</p> <p>18 A. Unlikely. That's most likely the Rose</p> <p>19 Point monitor.</p> <p>20 Q. So it sounds like they're still doing</p> <p>21 some work on the auto pilot, including updating</p> <p>22 software and replacing some relays, right?</p> <p>23 A. Yes.</p> <p>24 Q. And is this the last work that Carver</p> <p>25 knows was done on the auto pilot --</p>	<p>1 Moore - April 28, 2025</p> <p>2 in a technician, GMT Mackay, and they flew down there</p> <p>3 to get on the vessel to look at their auto pilot, and</p> <p>4 then some other various items that they swapped out</p> <p>5 as well, too.</p> <p>6 Q. So looking at the first page of that, it</p> <p>7 looks like the invoice is dated December 4th --</p> <p>8 excuse me, December 5th --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- right?</p> <p>11 And they removed some -- removed a</p> <p>12 defective AP50 Simrad auto pilot system, right?</p> <p>13 A. Yes.</p> <p>14 Q. So -- and then they installed two new</p> <p>15 ones, which looks like they have different series</p> <p>16 numbers, AP70 MMK2, right?</p> <p>17 A. Yes.</p> <p>18 Q. So I guess that's the new and improved</p> <p>19 version, right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And installing two, does that mean one</p> <p>22 went in the wheelhouse and the other one went in the</p> <p>23 upper house?</p> <p>24 A. Correct.</p> <p>25 Q. But they're basically identical auto</p>

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<p>1 Moore - April 28, 2025</p> <p>2 pilot systems in each house?</p> <p>3 A. Yeah. There would be no -- there would</p> <p>4 be no real differences between the two.</p> <p>5 Q. Are they connected in any way?</p> <p>6 A. I don't know off the top of my head.</p> <p>7 Q. And is there any indication that they</p> <p>8 installed those solid state relays?</p> <p>9 A. I don't know what the relay would do,</p> <p>10 but no, it does not say that on here.</p> <p>11 Q. Okay.</p> <p>12 A. But I don't know exactly.</p> <p>13 Q. So it's possible they didn't replace any</p> <p>14 relays and they just reused what was on the boat?</p> <p>15 MR. RODGERS: Objection to form.</p> <p>16 A. I don't know how -- I'm not that versed</p> <p>17 in engineering.</p> <p>18 Q. So who is the guy in Carver that is?</p> <p>19 A. Well, this is why we hire the</p> <p>20 technicians out, the -- as the experts into it.</p> <p>21 Q. So it says it was billed to Mickey</p> <p>22 Hilton. Who is Mickey Hilton?</p> <p>23 A. Mickey Hilton was a former port engineer</p> <p>24 that was not there when I came there. So I think</p> <p>25 it's just in their accounting system as the last</p>	<p>1 Moore - April 28, 2025</p> <p>2 the problem, but noticed that some lever, the FU-80</p> <p>3 FFU lever, had liquid spilled damage.</p> <p>4 Right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you know what the FU-80 FFU lever is?</p> <p>7 A. I do. It's a full followup lever that</p> <p>8 looks like a little joy stick on your console that</p> <p>9 you would use to steer the vessel.</p> <p>10 Q. So is that related to the non-followup?</p> <p>11 A. The non-followup and full followup are</p> <p>12 two separate, independent things.</p> <p>13 Full followup is when you adjust, the</p> <p>14 lever stays in that rudder angle.</p> <p>15 Non-followup has a spring return where</p> <p>16 you click it and it comes right back and it will stay</p> <p>17 in that rudder.</p> <p>18 So full followup, if you hold it, it</p> <p>19 will keep going; it will swing with you.</p> <p>20 Non-followup always returns to center,</p> <p>21 but will hold the rudder.</p> <p>22 Q. So if you want to switch over to manual</p> <p>23 steering, do you have to be a non-followup?</p> <p>24 A. I don't know off the top of my head how</p> <p>25 that system was set up.</p>
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<p>1 Moore - April 28, 2025</p> <p>2 known contact.</p> <p>3 Q. All right. So likewise on page 2 of</p> <p>4 this exhibit, which is numbered 252, it's also</p> <p>5 addressed to Mickey Hilton, right --</p> <p>6 A. Yes, sir.</p> <p>7 Q. -- billed to Mickey Hilton?</p> <p>8 Somehow it gets to you or somebody to</p> <p>9 authorize payment?</p> <p>10 A. Yes. It goes through A/P, A/R.</p> <p>11 Q. Okay. You don't have to approve this?</p> <p>12 A. Yes.</p> <p>13 Q. You do?</p> <p>14 A. I would approve it after the fact, and</p> <p>15 once it comes in through invoicing.</p> <p>16 Q. All right. So the invoice shows up, you</p> <p>17 approve it, and then it gets paid? Is that the</p> <p>18 process, as I understand it?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So this one is dated March 5th</p> <p>21 of '24, and it looks like it was for some work on</p> <p>22 March 2nd of '24. A complaint about the auto pilot</p> <p>23 switch to standby intermittently, right?</p> <p>24 A. Yes.</p> <p>25 Q. And then it says they couldn't repeat</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. Like every boat's different?</p> <p>3 A. You -- I would have to look at it,</p> <p>4 honestly. It would be -- it would be auto pilot to</p> <p>5 full followup, and there's specific steps. You just</p> <p>6 switch this off and switch that, but I don't know how</p> <p>7 this one's set up.</p> <p>8 Q. But there was no prohibition against the</p> <p>9 captain using the auto pilot system for the transit</p> <p>10 that they were making before they allided with the</p> <p>11 bridge, right?</p> <p>12 MR. RODGERS: Objection to form.</p> <p>13 You can answer if you understand the</p> <p>14 question.</p> <p>15 A. Repeat the question.</p> <p>16 Q. Yeah.</p> <p>17 There was no prohibition -- Carver</p> <p>18 didn't prohibit the captain from using the auto pilot</p> <p>19 system in the transit that he was making, you know,</p> <p>20 down the southern branch of the Elizabeth River</p> <p>21 before the allision?</p> <p>22 A. No. It's up to the captain's discretion</p> <p>23 to make that judgment call.</p> <p>24 Q. So on this invoice that we were just</p> <p>25 looking at, March 5, 2024, page 252, it says Also the</p>

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<p>1 Moore - April 28, 2025</p> <p>2 complaint of auto pilot high response.</p> <p>3 Do you know what the high response</p> <p>4 refers to?</p> <p>5 A. No, I do not.</p> <p>6 Q. So the technician says he checked the</p> <p>7 auto pilot settings, showed crew to set up the rudder</p> <p>8 gain, and counter-rudder and set up rudder limits, if</p> <p>9 needed.</p> <p>10 Do you know what that means?</p> <p>11 A. Not exactly.</p> <p>12 Q. Sounds like it's related to the</p> <p>13 rudder --</p> <p>14 MR. RODGERS: Objection.</p> <p>15 Q. -- right?</p> <p>16 A. It's related to the auto pilot.</p> <p>17 Q. Because the auto pilot controls the</p> <p>18 rudder?</p> <p>19 MR. RODGERS: Objection.</p> <p>20 A. There's no other way to not.</p> <p>21 Q. Well, that's what I figured --</p> <p>22 A. Yeah.</p> <p>23 Q. -- you know.</p> <p>24 Your lawyer's objecting. I'm just</p> <p>25 trying to understand.</p>	<p>1 Moore - April 28, 2025</p> <p>2 MACKENZIE ROSE?</p> <p>3 A. I do not know that as well, if it's --</p> <p>4 some are spares or they just replaced a couple.</p> <p>5 MR. RODGERS: Don't guess.</p> <p>6 A. Oh, yeah. I don't know, actually.</p> <p>7 Q. I mean, you would expect there to be</p> <p>8 two, right? One for upper house and one for the</p> <p>9 wheelhouse?</p> <p>10 MR. RODGERS: Objection to form.</p> <p>11 You can answer.</p> <p>12 A. Yeah, there are -- what -- each</p> <p>13 concentration has a rudder angle indicator.</p> <p>14 Q. Yeah. So maybe two of them for another</p> <p>15 boat?</p> <p>16 MR. RODGERS: Objection.</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. It sounds like the Simrads were</p> <p>19 replaced in late 2023, and then there's some work</p> <p>20 that Ayers and Mackay are both doing in 2024 --</p> <p>21 MR. RODGERS: Objection.</p> <p>22 Q. -- related to the auto pilot system,</p> <p>23 correct?</p> <p>24 MR. RODGERS: Objection to form.</p> <p>25 A. It -- the invoicing starts on the --</p>
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<p>1 Moore - April 28, 2025</p> <p>2 A. Right. But I'm not --</p> <p>3 MR. RODGERS: No. You're just putting</p> <p>4 words into this mouth. That's all.</p> <p>5 A. But I'm not a technician, so I don't</p> <p>6 really understand what the high response rate and the</p> <p>7 gain counter-rudder settings are for that system.</p> <p>8 Q. Okay. So it looks like -- it says</p> <p>9 Service org and primary tech on both of these pages,</p> <p>10 Kands.</p> <p>11 Is that a person?</p> <p>12 A. I do not know, actually.</p> <p>13 Q. Then the last page of this exhibit is an</p> <p>14 invoice dated December 1, 2023. It looks like it's</p> <p>15 for shipping some stuff, four rudder angle</p> <p>16 indicators.</p> <p>17 Are those necessary for the auto pilot</p> <p>18 to work properly?</p> <p>19 A. I do not know how they are corollated to</p> <p>20 it.</p> <p>21 Q. What's a rudder angle indicator tell</p> <p>22 you?</p> <p>23 A. What's -- where the position -- where</p> <p>24 the rudder position is.</p> <p>25 Q. And why are four of them required on the</p>	<p>1 Moore - April 28, 2025</p> <p>2 late 2023.</p> <p>3 Q. And that's --</p> <p>4 A. But there's different components. They</p> <p>5 did more than just auto pilot, it looks like.</p> <p>6 Q. Yep. Yeah, I'm not saying it's all</p> <p>7 related to auto pilot, but some of it clearly is</p> <p>8 related replacing the two auto pilots on the boat,</p> <p>9 right?</p> <p>10 A. Correct.</p> <p>11 Q. In late '23, along with the rudder angle</p> <p>12 indicators, right?</p> <p>13 A. Yeah. I don't -- honestly don't know</p> <p>14 what the rudder angle indicators are for. I don't</p> <p>15 know how they correlate to it, but that is -- they</p> <p>16 were ordered.</p> <p>17 Q. Okay. And then there's an invoice from</p> <p>18 Mackay, as well as two of them from Ayers, in 2024,</p> <p>19 March and April timeframe, related to work on the</p> <p>20 auto pilot system on the MACKENZIE ROSE --</p> <p>21 A. Correct.</p> <p>22 Q. -- in response to complaints about it,</p> <p>23 right?</p> <p>24 MR. RODGERS: Objection to form.</p> <p>25 A. I don't know about the complaints on</p>

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<p style="text-align: right;">Page 286</p> <p>1 Moore - April 28, 2025</p> <p>2 them, but they were replaced for -- to ensure that</p> <p>3 they worked.</p> <p>4 Q. Are you saying they were replaced again</p> <p>5 in 2024?</p> <p>6 MR. RODGERS: Objection.</p> <p>7 A. After Ayers completed their replacements</p> <p>8 and upgrades, whatever it was needed, I guess, there</p> <p>9 was no issues after that.</p> <p>10 Q. Okay. I'm not trying to argue with you,</p> <p>11 but I understood that Mackay replaced them in late</p> <p>12 2023 --</p> <p>13 MR. RODGERS: Objection.</p> <p>14 Q. -- and that Mackay and Ayers then did</p> <p>15 some more work on them in 2024. Mackay in March of</p> <p>16 2024, and Ayers twice in April of 2024, and that's</p> <p>17 when --</p> <p>18 MR. RODGERS: Objection to the term</p> <p>19 replaced.</p> <p>20 MR. CHAPMAN: Let me just finish.</p> <p>21 Q. -- and that's what those invoices that</p> <p>22 we've been looking at as Exhibits 24 and 25 tell us;</p> <p>23 is that right?</p> <p>24 MR. RODGERS: Objection. That -- you're</p> <p>25 not asking a question, you're making a</p>	<p style="text-align: right;">Page 288</p> <p>1 Moore - April 28, 2025</p> <p>2 Ayers, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Were there any other complaints</p> <p>5 about the auto pilot system after Ayers last worked</p> <p>6 on it in April of 2024 and the allision with the</p> <p>7 bridge on June 15, 2024?</p> <p>8 A. Not that I'm aware of.</p> <p>9 MR. CHAPMAN: Would you mark this as 26,</p> <p>10 please.</p> <p>11 (Exhibit 26, 9.2 Near Miss Report,</p> <p>12 marked for identification, as of this date.)</p> <p>13 Q. Mr. Moore, you've been handed</p> <p>14 Exhibit 26, which is Carver 000041 and 42 --</p> <p>15 A. Yes, sir.</p> <p>16 Q. -- and it looks like a report from your</p> <p>17 Helm system called a Near Miss Report --</p> <p>18 A. Yes.</p> <p>19 Q. -- right?</p> <p>20 And the only date that I see on it is --</p> <p>21 it says it was approved on May 6th of 2024.</p> <p>22 You see that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Which is the date that it was received.</p> <p>25 Maybe they're the same thing. I don't know. And</p>
<p style="text-align: right;">Page 287</p> <p>1 Moore - April 28, 2025</p> <p>2 statement, and I object to the term replaced in</p> <p>3 that context. So why don't you reword it,</p> <p>4 maybe.</p> <p>5 MR. CHAPMAN: That was a long one.</p> <p>6 Q. Do you understand my question?</p> <p>7 A. If you can repeat it.</p> <p>8 MR. RODGERS: You want to read it over.</p> <p>9 Q. The Mackay invoices document that the</p> <p>10 two auto pilot systems on the MACKENZIE ROSE were</p> <p>11 replaced in late 2023 --</p> <p>12 MR. RODGERS: Objection.</p> <p>13 Q. -- right?</p> <p>14 A. I don't know exactly when they were</p> <p>15 replaced or the components or what was exactly done.</p> <p>16 The technicians would have the best understanding of</p> <p>17 that.</p> <p>18 Q. So can we agree that the invoices</p> <p>19 document the work that was done by both Mackay and</p> <p>20 Ayers?</p> <p>21 A. Mackay and Ayers definitely did work on</p> <p>22 multiple systems, including the auto pilot system.</p> <p>23 Q. Okay. And to the extent there was work</p> <p>24 on the auto pilot system, those are documented on</p> <p>25 those documents that you received from Mackay and</p>	<p style="text-align: right;">Page 289</p> <p>1 Moore - April 28, 2025</p> <p>2 that it was received by you, right?</p> <p>3 A. Yes.</p> <p>4 Q. So when it's received by you, do you get</p> <p>5 a notification?</p> <p>6 A. No. So I have to go into Helm and</p> <p>7 acknowledge the individual near miss reports that the</p> <p>8 vessels compile.</p> <p>9 Q. Okay. And --</p> <p>10 A. But it's not -- sorry.</p> <p>11 It's not done daily or we -- it's when I</p> <p>12 log into it and get to it.</p> <p>13 Q. So it's a -- you get them because why?</p> <p>14 You're the general manager or the designated person</p> <p>15 or what?</p> <p>16 A. Yeah. Because I'm the general manager,</p> <p>17 yep.</p> <p>18 Q. Okay. Does anybody else get them?</p> <p>19 A. I don't know if anybody else gets it. I</p> <p>20 believe these just come directly to me, but anybody</p> <p>21 else can log into Helm to see them as well.</p> <p>22 Q. And how often do you log into Helm and</p> <p>23 check these?</p> <p>24 A. It all depends on how busy I get, and</p> <p>25 with other things. It's -- it could be every few</p>

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<p style="text-align: right;">Page 290</p> <p>1 Moore - April 28, 2025</p> <p>2 weeks. It could be -- I've gone longer before. It</p> <p>3 could be -- every couple of days I try to, but</p> <p>4 there's been times where it's been much longer.</p> <p>5 Q. So this particular one, on May 6th of</p> <p>6 2024, do you have any memory of when you actually</p> <p>7 looked at it?</p> <p>8 A. No, I do not have a memory of that one.</p> <p>9 Q. Do you know whether it was before the</p> <p>10 allision with the bridge?</p> <p>11 A. Well, my received date would be before</p> <p>12 the allision with the bridge.</p> <p>13 Q. I know that. I'm asking you do you have</p> <p>14 any memory of when you looked at it; and if so, was</p> <p>15 it before the allision --</p> <p>16 A. Oh.</p> <p>17 Q. -- of the MACKENZIE ROSE with the</p> <p>18 Norfolk and Portsmouth Belt Line Bridge?</p> <p>19 A. Correction. I do not know when I looked</p> <p>20 at it.</p> <p>21 Q. So in Helm when you look at it, is there</p> <p>22 something that you check that I've read it or</p> <p>23 something that says I approve it or --</p> <p>24 A. That would be -- that would be the</p> <p>25 receive date.</p>	<p style="text-align: right;">Page 292</p> <p>1 Moore - April 28, 2025</p> <p>2 this exhibit, which is page 31, at 1235, it says</p> <p>3 there's a near miss report --</p> <p>4 A. Yes.</p> <p>5 Q. -- right?</p> <p>6 Is this the near miss report that you</p> <p>7 approved or reviewed on May 6th of 2024?</p> <p>8 A. I do not know how to line those two up.</p> <p>9 MR. RODGERS: Do you have one for me?</p> <p>10 MR. CHAPMAN: Oh, I apologize. I'm</p> <p>11 sorry. Yes, I do.</p> <p>12 MR. RODGERS: Thanks.</p> <p>13 Q. How do you match them up? What's the</p> <p>14 process to go through to match them up?</p> <p>15 A. I do not know, actually.</p> <p>16 Q. I'm sorry. You what?</p> <p>17 A. I do not know, actually, how to match</p> <p>18 them up.</p> <p>19 Q. Okay. So this is clearly a near miss</p> <p>20 report entered by the captain in the Helm system as</p> <p>21 shown on Exhibit 27 at 12:35 on May 3rd?</p> <p>22 A. Yes. And it -- and also, multiple other</p> <p>23 drills and whatnot for the time before that, and time</p> <p>24 after. So I don't know if he was just filling out</p> <p>25 all the forms in -- all at once and just putting in</p>
<p style="text-align: right;">Page 291</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. So we're under Section 2 where it</p> <p>3 says Office Use Only. Approved on May 6, 2024.</p> <p>4 That was the date that you actually</p> <p>5 looked at it or is that the date that it just came</p> <p>6 into the system and you don't know when you looked at</p> <p>7 it?</p> <p>8 A. That was the day that I logged in and</p> <p>9 acknowledged it, receipt of it.</p> <p>10 Q. Okay. And was that also the same day it</p> <p>11 was received; that is, Captain Miller submitted it</p> <p>12 that date?</p> <p>13 A. No, not necessarily.</p> <p>14 Q. So how do we know what date Captain</p> <p>15 Miller submitted it?</p> <p>16 A. I do not know that answer.</p> <p>17 MR. CHAPMAN: Mark this as 27, please.</p> <p>18 (Exhibit 27, Daily Log, marked for</p> <p>19 identification, as of this date.)</p> <p>20 Q. You've been handed Exhibit 27,</p> <p>21 Mr. Moore, which consists of three pages labeled</p> <p>22 Carver 000030 through 32.</p> <p>23 You see that?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And if you look on the second page of</p>	<p style="text-align: right;">Page 293</p> <p>1 Moore - April 28, 2025</p> <p>2 information.</p> <p>3 Q. All right. So I see what I think you're</p> <p>4 saying; about he entered a bunch of drills or</p> <p>5 something like that, right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. But is there a way in the Helm</p> <p>8 system to go in and look at this specific entry on</p> <p>9 the 3rd of May of 2024 and determine what was</p> <p>10 actually reported as a near miss at that time?</p> <p>11 A. I would have to look into it, into Helm.</p> <p>12 I'm not familiar how to pull that up.</p> <p>13 Q. All right. Because there's clearly, as</p> <p>14 you can see in Exhibit 26, something that you are</p> <p>15 reviewing and approving like three days later, right?</p> <p>16 A. Yep.</p> <p>17 Q. That is a near miss report. And I'm</p> <p>18 just trying to figure out is there some match up</p> <p>19 between the two of those?</p> <p>20 A. I would have to look into Helm further.</p> <p>21 Q. Okay. But there's a way to figure that</p> <p>22 out in Helm or not?</p> <p>23 A. I honestly do not know. I would have to</p> <p>24 look into it. I don't know how to easily navigate</p> <p>25 through Helm to pull up what he -- historicals.</p>

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<p style="text-align: right;">Page 294</p> <p>Moore - April 28, 2025</p> <p>Q. So this -- Captain Miller entered a report on the -- some date before you read this on May 6th, according to Exhibit 26, that says while he was transiting southbound and entering information, the steering went into standby and the rudder came hard over without alarm. By the time the captain realized the situation, we were steaming full ahead at the loaded barge. The captain pulled back power so the rudder would respond and came away from the barge with a few feet to spare. The wire dragged on the bottom and sustained minimal damage.</p> <p>That's what Captain Miller submitted, right?</p> <p>A. Yes, sir.</p> <p>Q. Okay. So we know -- do you -- in terms of wire dragging on the bottom, does that mean they had a tug on the tow wire?</p> <p>A. I don't know how -- you could -- yeah, you would then put the two wires on the bottom of the seabed.</p> <p>Q. Okay. So it looks like he's talking about entering a bunch of data into the electronic log, and the steering somehow acted up and went hard over, and no alarm, right?</p>	<p style="text-align: right;">Page 296</p> <p>Moore - April 28, 2025</p> <p>Q. Okay. So there was no lesson learned as a result of what Captain Miller was reporting?</p> <p>A. No, because I would have had Lenny or somebody else call and find out from it before I finally approved it. So I don't recall if it was him just entering near misses, because we encouraged near misses with all the crews. So I don't know if that's an accurate one or if it was the steering pump or if it was this or that. Like it just is him entering all these logs in before and after. I don't know if it was an accurate near miss or not.</p> <p>Q. Is there any documentation of your contact with Mr. Baldassare related to this near miss report?</p> <p>A. No.</p> <p>Q. And is there any indication that any electronic technician or other technician went out to check out what the captain was reporting about the steering going into standby, rudder coming hard over without alarm?</p> <p>MR. RODGERS: Objection, foundation. You can answer if you know.</p> <p>A. Not that I know of.</p> <p>MR. CHAPMAN: Could you mark this as 28,</p>
<p style="text-align: right;">Page 295</p> <p>Moore - April 28, 2025</p> <p>A. I don't know if there was an alarm.</p> <p>MR. RODGERS: Are you looking at this one? I think you're looking at --</p> <p>MR. CHAPMAN: Yeah, Exhibit 26.</p> <p>Q. When it says under the description of the near miss, right, Section 1.5?</p> <p>A. Yep.</p> <p>Q. That's where I'm reading.</p> <p>So on Exhibit 26, the second page under Section 2.3, it says Lessons learned. Employee who is approving this near miss shoreside should also complete the Lessons Learned Form 9.7 in correlation to the near miss.</p> <p>So in Section 2.3, do you know whether the lessons learned created is a required field that has to be completed?</p> <p>A. It is not a required field.</p> <p>Q. Okay. So you've added the word no there to it, right?</p> <p>A. Correction. I don't know exactly right now if it's a required field or not. It could be.</p> <p>Q. But even if it is a required field, you checked the box no?</p> <p>A. Correct.</p>	<p style="text-align: right;">Page 297</p> <p>Moore - April 28, 2025</p> <p>please.</p> <p>(Exhibit 28, 9.2 Near Miss Report, marked for identification, as of this date.)</p> <p>Q. So this appears to be an -- Exhibit 28 appears to be another near miss report from the Helm system, right?</p> <p>A. Yes, sir.</p> <p>Q. And if you could compare this to Exhibit 26.</p> <p>A. Okay.</p> <p>Q. And so it looks like there's some heading information at the top of Exhibit 28 that should be available on Exhibit 26, but it's just not there, right?</p> <p>MR. RODGERS: Objection. I think there's two different dates of the incidents.</p> <p>MR. CHAPMAN: Yeah, I agree. There are two different dates.</p> <p>Q. The question I'm asking, though, is Exhibit 28 has a -- some information at the top titled 9.2 Near Miss Report. It's got some external number, a tag that it's clearly related to the MACKENZIE ROSE, who completed it, and the time it was completed, right?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Is there any reason why the</p> <p>4 document now marked as Exhibit 26 wouldn't have the</p> <p>5 same type of information at the top of it?</p> <p>6 A. I don't know. I didn't submit these. I</p> <p>7 don't know where this one came from.</p> <p>8 Q. You're talking about 26?</p> <p>9 A. Correct. Correction.</p> <p>10 Q. Okay.</p> <p>11 A. Yep. So I don't know.</p> <p>12 Q. Other than that, the reference to form</p> <p>13 response items and all the things that appear</p> <p>14 underneath it, appear to be in line with what you</p> <p>15 fill out in a near miss report, right, between the</p> <p>16 two exhibits.</p> <p>17 A. There's some missing boxes from like</p> <p>18 two points -- or no, it's in here. Okay. It's just</p> <p>19 a different page.</p> <p>20 Yeah, everything else looks similar.</p> <p>21 Q. Okay. So referring to Exhibit 28, then,</p> <p>22 the report was in auto pilot failure --</p> <p>23 A. Yes.</p> <p>24 Q. -- while they were underway to New York?</p> <p>25 MR. RODGERS: Objection to the term</p>	<p>1 Moore - April 28, 2025</p> <p>2 investigation, or you know, dispatch of technicians</p> <p>3 to go take a look at it, in terms of what had been</p> <p>4 reported?</p> <p>5 A. I don't know off the top of my head if</p> <p>6 anybody else ordered technicians.</p> <p>7 Q. So if you look again at Exhibit 25 --</p> <p>8 A. Yes.</p> <p>9 Q. -- you see that's a GMT Mackay invoice?</p> <p>10 A. Yep.</p> <p>11 Q. The second page of that exhibit, page</p> <p>12 252, references some work in early March, invoice</p> <p>13 dated March 5th, 2024 --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- regarding the auto pilot, correct?</p> <p>16 A. Yep.</p> <p>17 Q. And this is the one where he said he --</p> <p>18 there was a complaint, but he couldn't repeat the</p> <p>19 problem, right?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So you sent somebody out to look</p> <p>22 at it?</p> <p>23 A. Yes, sir.</p> <p>24 MR. CHAPMAN: Mark this as 29, please.</p> <p>25 (Exhibit 29, Daily Log, marked for</p>
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<p>1 Moore - April 28, 2025</p> <p>2 failure. It just says auto pilot stopped.</p> <p>3 THE WITNESS: On 28.</p> <p>4 MR. CHAPMAN: I think it says auto pilot</p> <p>5 failure under Near Miss Subject, right, 1.5.1.1?</p> <p>6 MR. RODGERS: Oh, up there. Yeah, I'm</p> <p>7 looking lower down on the page.</p> <p>8 A. Okay. Yeah, 1.1 says auto pilot</p> <p>9 failure.</p> <p>10 Q. Okay. So --</p> <p>11 MR. RODGERS: Oh.</p> <p>12 Q. And then 1.5 says auto pilot stopped,</p> <p>13 tug took a hard left into other traffic lane, right?</p> <p>14 A. Yes.</p> <p>15 Q. And again, this came to you on</p> <p>16 March 4th, 2024?</p> <p>17 A. Yes.</p> <p>18 Q. And you approved it that date --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- right?</p> <p>21 Again, you either checked from the</p> <p>22 drop-down or entered no in response to lessons</p> <p>23 learned created, right?</p> <p>24 A. Yes.</p> <p>25 Q. And was there any follow-on</p>	<p>1 Moore - April 28, 2025</p> <p>2 identification, as of this date.)</p> <p>3 Q. So Mr. Moore, I believe that this is the</p> <p>4 daily log on February 28th that's marked as</p> <p>5 Exhibit 29 that relates to the near miss report</p> <p>6 marked Exhibit 28.</p> <p>7 And if you look on Exhibit 29, you'll</p> <p>8 see that there was a near miss report entered at</p> <p>9 0700 hours.</p> <p>10 Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 MR. RODGERS: Well, I don't -- oh,</p> <p>13 sorry.</p> <p>14 Q. And then if you look on Exhibit 28,</p> <p>15 you'll see at the top it says Filled, February 28,</p> <p>16 2024 at 0700 hours, right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. So it appears those two correlate,</p> <p>19 right?</p> <p>20 A. It appears that way.</p> <p>21 MR. RODGERS: Which exhibits correlate?</p> <p>22 MS. WERNER: What is the Bates for</p> <p>23 Exhibit 29, please?</p> <p>24 MR. CHAPMAN: 25 and 26, I think. Yeah,</p> <p>25 25 and 26.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: And what correlates to</p> <p>3 what? 29 correlates to what exhibit?</p> <p>4 MR. CHAPMAN: 28. The time entries.</p> <p>5 MR. RODGERS: The February -- the</p> <p>6 February --</p> <p>7 MR. CHAPMAN: Yeah, the time entries.</p> <p>8 MR. RODGERS: Okay. February. Okay.</p> <p>9 MR. CHAPMAN: Yeah. Okay.</p> <p>10 Q. So there's a way to at least</p> <p>11 cross-reference those if you have the information at</p> <p>12 the top of Exhibit 28?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay.</p> <p>15 A. Well, this one on Exhibit 29, at 0700,</p> <p>16 they were still at the dock.</p> <p>17 Q. Have you looked at the rough log for</p> <p>18 February 28, 2024?</p> <p>19 A. No. Sorry, I have not.</p> <p>20 Q. Okay.</p> <p>21 MR. CHAPMAN: Mark this as 30, please.</p> <p>22 (Exhibit 30, 9.2 Near Miss Report,</p> <p>23 marked for identification, as of this date.)</p> <p>24 Q. Do you have Exhibit 30?</p> <p>25 A. Yes.</p>	<p>1 Moore - April 28, 2025</p> <p>2 Description of Near Miss, it looks like Captain</p> <p>3 Miller is reporting that it caused the auto pilot to</p> <p>4 go into standby and hard right to heavy seas?</p> <p>5 A. Yes, that's what it says.</p> <p>6 Q. Okay. Was this particular near miss</p> <p>7 report or the loss of the satellite compass ever</p> <p>8 checked out by technicians?</p> <p>9 MR. RODGERS: Can you show him the whole</p> <p>10 document.</p> <p>11 A. Yeah, I don't -- what are we looking at</p> <p>12 here?</p> <p>13 Well, yes, we had the technicians, but I</p> <p>14 don't -- I would have to look at the reference for --</p> <p>15 to correlate it, the timing of it.</p> <p>16 Q. Well, I note under Section 2.5 on page</p> <p>17 40, that is the second page of this exhibit, under</p> <p>18 the heading Remedial Activities of Training. We had</p> <p>19 technicians come in and completely swap all the</p> <p>20 electronics that's associated with the navigation.</p> <p>21 Since the replacement, all components are fully</p> <p>22 operational.</p> <p>23 Is that what you entered?</p> <p>24 A. Yes, sir.</p> <p>25 Q. So what are you talking about there in</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. This is a two-page exhibit marked Carver</p> <p>3 000039 and 40 and appears to be another near miss</p> <p>4 report, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. That was -- appears to have been</p> <p>7 received and approved by you on April 19th, 2024?</p> <p>8 A. Yes.</p> <p>9 Q. And it references the loss of satellite</p> <p>10 compass?</p> <p>11 A. Yes.</p> <p>12 Q. What do you understand that to mean?</p> <p>13 Did it like fall overboard or --</p> <p>14 A. I would -- it could be loss of a signal</p> <p>15 from a satellite compass.</p> <p>16 Q. Okay. Or that it failed, it went bad or</p> <p>17 something like that?</p> <p>18 A. Yeah, it could be multiple things.</p> <p>19 Q. Is that important in navigation?</p> <p>20 A. It --</p> <p>21 MR. RODGERS: Objection. He's not here</p> <p>22 as an expert.</p> <p>23 A. You can still navigate the vessel</p> <p>24 without a satellite compass.</p> <p>25 Q. So yeah. Under the Section 1.5</p>	<p>1 Moore - April 28, 2025</p> <p>2 terms of completely swap all the electronics?</p> <p>3 A. It's just the various auto pilot</p> <p>4 components that's needed with the different -- the</p> <p>5 different technicians.</p> <p>6 Q. So are you saying there wasn't anything</p> <p>7 else to be done?</p> <p>8 A. The -- once the technician changes out</p> <p>9 the component and then they operationally test it,</p> <p>10 like I'm to believe that it's fully operational.</p> <p>11 Q. So we know Mackay replaced the auto</p> <p>12 pilots in late 2023, right?</p> <p>13 MR. RODGERS: Objection to the term</p> <p>14 replaced.</p> <p>15 A. They --</p> <p>16 MR. RODGERS: That's your term, not --</p> <p>17 A. -- they worked on. They worked on.</p> <p>18 MR. RODGERS: Wait until my objection's</p> <p>19 finished. Sorry.</p> <p>20 That's your term, Jim, not his term. So</p> <p>21 can you correct your -- go ahead.</p> <p>22 A. Mackay did work on the auto pilot</p> <p>23 system.</p> <p>24 Q. Okay. They put in two new AP70s to</p> <p>25 replace the two AP50s, right?</p>

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<p style="text-align: right;">Page 306</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So is that what you're referring</p> <p>4 to when you say in Section 2.5 in Exhibit 30 --</p> <p>5 MR. RODGERS: Objection.</p> <p>6 Q. -- that you had technicians come in and</p> <p>7 completely swap all the electronics that's associated</p> <p>8 with the navigation?</p> <p>9 A. It doesn't necessarily refer to Mackay.</p> <p>10 It also refers to Ayers as well, too.</p> <p>11 Q. And the last work by Ayers on the</p> <p>12 MACKENZIE ROSE electronics was in early April of</p> <p>13 2024, correct?</p> <p>14 A. Correct.</p> <p>15 Q. So there wasn't any more work done on</p> <p>16 the MACKENZIE ROSE auto pilot after this report?</p> <p>17 A. Yeah, but the -- my approval date isn't</p> <p>18 necessarily the submission date.</p> <p>19 Q. So your lawyer's also produced to us a</p> <p>20 log for April 1, 2024.</p> <p>21 MR. CHAPMAN: Let's mark that as 31,</p> <p>22 please.</p> <p>23 (Exhibit 31, Daily Log, marked for</p> <p>24 identification, as of this date.)</p> <p>25 Q. And you see at 9:34 --</p>	<p style="text-align: right;">Page 308</p> <p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: I guess if we have time</p> <p>3 to.</p> <p>4 Q. If, in fact, this entry on April 1 in</p> <p>5 the daily log of a near miss report is, in fact, the</p> <p>6 one that is being approved on April 19th by you, it</p> <p>7 could well be that the Ayers Marine people came in</p> <p>8 and looked at this on April 3rd, April 4th,</p> <p>9 April 10th, April 11th, right?</p> <p>10 A. It's possible.</p> <p>11 Q. Okay. So that's -- is that what you're</p> <p>12 referring to in Section 2.5 of Exhibit 30?</p> <p>13 A. I don't know exactly, but once Ayers,</p> <p>14 the technician, signs off on it, I would have then</p> <p>15 gone in later and approved it and wrote that as a</p> <p>16 note in there.</p> <p>17 Q. Okay.</p> <p>18 MR. CHAPMAN: Would you mark this as 32,</p> <p>19 please.</p> <p>20 (Exhibit 32, Training Records, marked</p> <p>21 for identification, as of this date.)</p> <p>22 Q. Mr. Moore, you've been handed</p> <p>23 Exhibit 32, which consists of Carver 000851 through</p> <p>24 885 --</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 307</p> <p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. -- on Exhibit 31 -- well, let me stop.</p> <p>4 So Exhibit 31 is the daily log for</p> <p>5 April 1, 2024 of the MACKENZIE ROSE, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Consisting of three pages, Carver 0000</p> <p>8 27 to 29, right?</p> <p>9 A. Yes.</p> <p>10 Q. And on the first page at 9:34 a.m., it</p> <p>11 says Near Miss Report, correct?</p> <p>12 A. It does.</p> <p>13 Q. And I don't know how you would correlate</p> <p>14 these together. Maybe if we had the information at</p> <p>15 the top of the exhibit marked 30 from the Helm</p> <p>16 system, we would know whether it's the same date and</p> <p>17 time on the Near Miss Report. But these were</p> <p>18 produced to me and represented that somehow they were</p> <p>19 related.</p> <p>20 MR. RODGERS: Objection.</p> <p>21 Q. So that's what I'm trying --</p> <p>22 MR. RODGERS: Objection to what they --</p> <p>23 what we represented to you.</p> <p>24 MR. CHAPMAN: Okay. Well, if I'm not</p> <p>25 correct, then you can correct me.</p>	<p style="text-align: right;">Page 309</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. -- which are, to my knowledge,</p> <p>3 consecutive.</p> <p>4 What are these, or what is this?</p> <p>5 A. This is pulled -- this is a report</p> <p>6 pulled from Helm.</p> <p>7 Q. A report of what?</p> <p>8 A. I don't know exactly.</p> <p>9 Q. It looks like it pertains exclusively to</p> <p>10 James D. Morrissey.</p> <p>11 A. Okay. I don't know. I don't --</p> <p>12 Q. I'm just asking you to confirm that it</p> <p>13 pertains to him.</p> <p>14 A. Well, he's on it, so --</p> <p>15 Q. Okay.</p> <p>16 A. -- I don't see any other name so far.</p> <p>17 Q. And under the column Type, do you know</p> <p>18 what these are?</p> <p>19 A. Those are the drills and reports that</p> <p>20 the vessel would put in for various -- various</p> <p>21 things.</p> <p>22 Q. In fact, they look to me like a record</p> <p>23 of all of the training that he was reported as having</p> <p>24 participated in --</p> <p>25 A. I don't know.</p>

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<p style="text-align: right;">Page 310</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. -- or drills.</p> <p>3 MR. RODGERS: Well, don't guess.</p> <p>4 MR. CHAPMAN: Okay.</p> <p>5 Q. So here is my question; under -- just</p> <p>6 looking at page 1, it's the second entry, June, Week</p> <p>7 3 Safety Training Quiz.</p> <p>8 Are written quizzes given to the crew</p> <p>9 members on your vessels?</p> <p>10 A. No. I have not -- I have not seen a</p> <p>11 written -- a written quiz issued out.</p> <p>12 Q. So do you know what the content, or is</p> <p>13 there a way to find out what the content of the</p> <p>14 safety training quiz for June, Week 3 was?</p> <p>15 A. I don't know. I'd have to look into</p> <p>16 Helm into it.</p> <p>17 Q. Do you know what the icon in the very</p> <p>18 far left column is?</p> <p>19 A. I don't know what that represents, that</p> <p>20 icon.</p> <p>21 Q. Who would know?</p> <p>22 A. TBS or Helm.</p> <p>23 Q. Sorry?</p> <p>24 A. TBS or Helm, what that icon represents.</p> <p>25 Q. Is there a person in the Carver</p>	<p style="text-align: right;">Page 312</p> <p>1 Moore - April 28, 2025</p> <p>2 drills. That's all done by the captain of the</p> <p>3 vessel.</p> <p>4 Q. And that training is at the captain's</p> <p>5 discretion?</p> <p>6 A. Yes.</p> <p>7 Q. Like whatever he feels like he should</p> <p>8 train on, or is there a cycle?</p> <p>9 A. No. There's a cycle of -- like a matrix</p> <p>10 that is auto populated into -- by Helm and TBS to</p> <p>11 make sure that you're covering all the bases</p> <p>12 necessary quarterly to do it.</p> <p>13 Q. So who has planned out this training?</p> <p>14 A. TBS/Helm.</p> <p>15 Q. So you've outsourced to TBS the training</p> <p>16 planning?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you have any input into the things</p> <p>19 that people should be trained on?</p> <p>20 A. We can -- I don't know off the top of my</p> <p>21 head, actually. I'm sure we can have input on</p> <p>22 changes that we would like to see to it.</p> <p>23 Q. Who's currently responsible for training</p> <p>24 at Carver, Carver Marine Towing?</p> <p>25 A. There's nobody assigned to training.</p>
<p style="text-align: right;">Page 311</p> <p>1 Moore - April 28, 2025</p> <p>2 organization who would know?</p> <p>3 A. There's people I can assume, but not</p> <p>4 necessarily. It could be multiple things. I don't</p> <p>5 know what it is.</p> <p>6 Q. So you require a tracking of training of</p> <p>7 members of the crew as it occurs, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. It has to be entered somehow in the Helm</p> <p>10 system, and maybe it goes in through the daily log.</p> <p>11 I don't know. But you do track it?</p> <p>12 A. Yeah. These are the weekly -- these are</p> <p>13 all drills and training that that person is involved</p> <p>14 with.</p> <p>15 Q. And who comes up with these drills and</p> <p>16 training?</p> <p>17 A. It's -- they're auto populated by</p> <p>18 TBS/Helm.</p> <p>19 Q. So what I'm trying to understand</p> <p>20 is the -- who's the instructor, No. 1, right? Who</p> <p>21 does the instruction or the testing?</p> <p>22 A. I don't know if -- I don't know about</p> <p>23 the safety quiz. I don't know if there is an actual</p> <p>24 quiz involved, like besides your general arm testings</p> <p>25 and your fire-fighting drills and your man overboard</p>	<p style="text-align: right;">Page 313</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. Okay. The same was true in June of</p> <p>3 2024?</p> <p>4 A. Yes.</p> <p>5 Q. Has there ever been anybody assigned to</p> <p>6 have that training responsibility while you've been</p> <p>7 general manager?</p> <p>8 A. We have TBS come in and perform</p> <p>9 third-party drills and training with the crew</p> <p>10 members, with the various vessels and crew members.</p> <p>11 Q. Yeah. So my question, though, is there</p> <p>12 somebody while you've been general manager that has</p> <p>13 had training responsibility?</p> <p>14 A. There's -- Jason Galioto will work with</p> <p>15 TBS to bring TBS for training.</p> <p>16 Q. Now, he's the one that you said had a</p> <p>17 new position, though?</p> <p>18 A. In -- last year he did, yes.</p> <p>19 Q. Okay.</p> <p>20 A. So now he's --</p> <p>21 Q. Is he still doing it or --</p> <p>22 A. He's doing marine compliance.</p> <p>23 Q. That's a -- that is training or isn't?</p> <p>24 A. No, it's not -- no, it's not necessarily</p> <p>25 training. It's involving the training of TBS to come</p>

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<p>1 Moore - April 28, 2025</p> <p>2 in and do the training for us, as they're the experts</p> <p>3 on it.</p> <p>4 Q. But there's nobody that has the</p> <p>5 designated title of safety manager -- excuse me,</p> <p>6 training manager --</p> <p>7 A. Correct.</p> <p>8 Q. -- at Carver?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. Does anybody check on the scope</p> <p>11 of this training or follow up to make sure that it's</p> <p>12 adequate?</p> <p>13 A. We do annual internal audits with TBS</p> <p>14 and another third-party organization, that they come</p> <p>15 and they'll go over the various components of the SMS</p> <p>16 to ensure that we're following their procedures, and</p> <p>17 that also, you know, raise any questions or concerns.</p> <p>18 Q. Who's your contact at TBS?</p> <p>19 A. It'd be Collin Bryant.</p> <p>20 Q. Collin Bryant?</p> <p>21 A. Yep, in --</p> <p>22 Q. Where is he located?</p> <p>23 A. In Vermont.</p> <p>24 Q. Vermont?</p> <p>25 A. Yes.</p>	<p>1 Moore - April 28, 2025</p> <p>2 (Exhibit 33, Vessel Survey, marked for</p> <p>3 identification, as of this date.)</p> <p>4 Q. I'm passing you a copy of what's been</p> <p>5 marked as Exhibit 33, which I believe is</p> <p>6 Mr. Meyerrose's survey --</p> <p>7 A. Yes, sir.</p> <p>8 Q. -- published on July 7th, 2024, Carver</p> <p>9 000796 through 815.</p> <p>10 The photos that are in here look like</p> <p>11 they're all dated June 25th, 2024.</p> <p>12 Do you see that?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And your recollection is he was aboard</p> <p>15 the vessel on the same day as the interviews were</p> <p>16 being done, right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. There are a number of photos</p> <p>19 attached to his report that start on page 805 --</p> <p>20 A. Yes, sir.</p> <p>21 Q. -- all the way to the end, page 815.</p> <p>22 Have you ever seen the full-size version</p> <p>23 of these photos?</p> <p>24 A. No.</p> <p>25 Q. Have you ever asked Mr. Meyerrose to</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. Okay.</p> <p>3 A. And then there's Pat Folan, based in</p> <p>4 Alabama.</p> <p>5 Q. Can you spell Pat's last name.</p> <p>6 A. F-O-L-A-N.</p> <p>7 Q. And they're both with this TBS --</p> <p>8 A. Yes.</p> <p>9 Q. -- tug and barge service or something</p> <p>10 like that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Do you know who generated this</p> <p>13 report --</p> <p>14 A. I do not.</p> <p>15 Q. -- that's marked Exhibit 32?</p> <p>16 A. No, sir, I do not.</p> <p>17 Q. Was Captain Morrissey ever assigned</p> <p>18 duties to train new hires?</p> <p>19 A. I don't know about assigned for training</p> <p>20 besides vessel orientations of new crew members to</p> <p>21 that vessel.</p> <p>22 Q. Would he have received any training or</p> <p>23 instruction on how to do that?</p> <p>24 A. Not to my knowledge.</p> <p>25 MR. CHAPMAN: Mark this as 33.</p>	<p>1 Moore - April 28, 2025</p> <p>2 send them to you?</p> <p>3 A. I have not specifically asked for them.</p> <p>4 Q. If you go to page 810.</p> <p>5 A. Okay.</p> <p>6 Q. The photo in the lower left is labeled</p> <p>7 Upper Pilot House.</p> <p>8 A. Yes, sir.</p> <p>9 Q. So I think it's everybody's</p> <p>10 understanding that's where Captain Morrissey was when</p> <p>11 the allision occurred?</p> <p>12 A. That's my understanding, yes.</p> <p>13 Q. Just looking at that photo, can you tell</p> <p>14 which of them is the auto pilot -- which device</p> <p>15 arrayed in this picture is the auto pilot?</p> <p>16 A. It would be the one to the far right of</p> <p>17 the screen, slightly above the fire extinguisher.</p> <p>18 Q. Okay. If I gave you a pen, could you</p> <p>19 circle it for us on this exhibit?</p> <p>20 A. Sure.</p> <p>21 Q. And then I'm going to ask you to put</p> <p>22 your initials next to it and date it so that anybody</p> <p>23 that looks at it later will know who did that. Okay?</p> <p>24 A. Well, then, no, I won't.</p> <p>25 Q. Well, you have to.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Well --</p> <p>3 MR. RODGERS: He doesn't have to.</p> <p>4 A. No, because I'm not familiar with it,</p> <p>5 so...</p> <p>6 MR. RODGERS: Then don't do it.</p> <p>7 Q. I'm just asking you -- I'm not asking</p> <p>8 you to say absolutely for certain that's what it is.</p> <p>9 It's just the --</p> <p>10 A. Then --</p> <p>11 Q. -- what you believe --</p> <p>12 A. No.</p> <p>13 Q. -- it to be.</p> <p>14 A. Not doing it.</p> <p>15 Q. So you're telling us --</p> <p>16 A. You can come aboard the vessel and look</p> <p>17 at it again or question Jason Meyerrose on it.</p> <p>18 Q. Yeah. So I don't want to argue with you</p> <p>19 about it, but I've been asking to board the vessel</p> <p>20 for a couple of months now, okay?</p> <p>21 A. That's --</p> <p>22 MR. RODGERS: I thought we had a date</p> <p>23 for it.</p> <p>24 A. That's not me.</p> <p>25 MR. CHAPMAN: No, we don't have a date.</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. No.</p> <p>3 Q. Okay. So the first item says Two</p> <p>4 non-followup steering controllers.</p> <p>5 And on that boat, there would be one in</p> <p>6 the upper wheelhouse and then the wheelhouse, right?</p> <p>7 A. I couldn't attest to if there's one --</p> <p>8 an up and lower, but I would have to look at.</p> <p>9 Q. If it says there's two, that would maybe</p> <p>10 indicate that there's one in the wheelhouse and one</p> <p>11 in the upper?</p> <p>12 A. It's a possibility.</p> <p>13 Q. Okay. And then it says there's one</p> <p>14 Simrad AP50 auto pilot.</p> <p>15 Do you know whether there's only one</p> <p>16 auto pilot on that boat?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. Okay. You think there's two?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. Okay. When you were boarded on</p> <p>21 June 25th, did you look at the auto pilots?</p> <p>22 A. In the lower wheelhouse, because it's</p> <p>23 right in front of you, but I didn't go up to the</p> <p>24 upper wheelhouse to look at it.</p> <p>25 Q. And do you know whether it was an AP50</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. All right. So just to be clear, you</p> <p>3 can't reliably pick out which of those devices that</p> <p>4 are seen in a photograph --</p> <p>5 MR. RODGERS: Objection. Objection.</p> <p>6 Wait. He just said he's not going to do it in</p> <p>7 the manner you asked him. He's not the captain,</p> <p>8 and he's not here as an expert. And you will</p> <p>9 get your inspection --</p> <p>10 MR. CHAPMAN: Great.</p> <p>11 MR. RODGERS: -- as you know.</p> <p>12 And we'll get ours of the bridge, right?</p> <p>13 MR. CHAPMAN: Offered this Friday, if</p> <p>14 you want to come look at it, okay? It's</p> <p>15 available.</p> <p>16 Q. So let me flip back --</p> <p>17 A. Sure.</p> <p>18 Q. -- to page 800.</p> <p>19 A. Okay.</p> <p>20 Q. There's two lines that are highlighted</p> <p>21 on that page. This document was produced to me with</p> <p>22 that highlighting, so I don't know who put that</p> <p>23 there.</p> <p>24 A. Okay.</p> <p>25 Q. But I want to ask you, did you?</p>	<p>1 Moore - April 28, 2025</p> <p>2 in the lower wheelhouse?</p> <p>3 A. No, not that -- not -- I don't know</p> <p>4 if -- exactly, because I didn't look at the</p> <p>5 make/model of it.</p> <p>6 Q. The reason I'm asking is Mackay said it</p> <p>7 installed two AP70s, and this says there's an AP50.</p> <p>8 I'm just trying to understand why.</p> <p>9 A. So you would have to follow up with</p> <p>10 Jason on this one, but Jason's done multiple surveys</p> <p>11 of the vessel over his history. So I know that he</p> <p>12 utilizes the preexisting and notes any changes on it.</p> <p>13 So that could be a simple typo by Jason Meyerrose.</p> <p>14 MR. CHAPMAN: Could you mark this as 34,</p> <p>15 please.</p> <p>16 (Exhibit 34, Voyage Plan, marked for</p> <p>17 identification, as of this date.)</p> <p>18 Q. So you've got Exhibit 34?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Yeah. So this appears to be a voyage</p> <p>21 plan labeled Carver 000890 through 896.</p> <p>22 A. Yep.</p> <p>23 Q. And it appears to be a voyage plan for</p> <p>24 the MACKENZIE ROSE on June 15, 2024, correct?</p> <p>25 A. Yes, sir.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. So who is it filled out by?</p> <p>3 A. It says Lenny Baldassare on here.</p> <p>4 Q. Yeah. So is there a reason why his name</p> <p>5 appears in here?</p> <p>6 A. No, I do not know.</p> <p>7 Q. I'm sorry?</p> <p>8 A. No, I do not know.</p> <p>9 Q. Okay. Would you ordinarily expect the</p> <p>10 master or the mate to fill out the voyage plan?</p> <p>11 A. I want to believe so, yes.</p> <p>12 Q. Okay. It says it was filled out</p> <p>13 June 15, 2024, 0000 hours, which I take to be</p> <p>14 midnight --</p> <p>15 A. Yes.</p> <p>16 Q. -- right?</p> <p>17 A. Yes.</p> <p>18 Q. And do you have any information that</p> <p>19 Mr. Baldassare was up late at night on the 15th or --</p> <p>20 A. No, I do not know.</p> <p>21 Q. -- or late on the night of the 14th and</p> <p>22 filling it out in the wee hours of the 15th?</p> <p>23 A. I do not know.</p> <p>24 Q. Okay. And then it looks like it</p> <p>25 describes all the crew members. And the tow was</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. And that a weather forecast was</p> <p>4 obtained, right?</p> <p>5 A. Yes.</p> <p>6 Q. And I guess reviewed, right? Correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. So then on Section 6, it's called</p> <p>9 a 9.4 GAR risk assessment -- model risk assessment.</p> <p>10 I think we saw something earlier that referenced</p> <p>11 that, and you didn't know what GAR meant?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Does this give you any more information</p> <p>14 about what a GAR is?</p> <p>15 A. No. I still don't know what GAR stands</p> <p>16 for.</p> <p>17 Q. Could it be green, amber, red?</p> <p>18 MR. RODGERS: Objection.</p> <p>19 You can answer if it refreshes your</p> <p>20 recollection. Don't guess.</p> <p>21 A. Looking at 6.1, it does say GAR model</p> <p>22 and then parentheses green, amber, red.</p> <p>23 So yes, that refreshes it.</p> <p>24 Q. And then it looks like there's some</p> <p>25 entries for risk scores in 6.2, 6.4, 6.6, 6.8, 6.10,</p>
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<p>1 Moore - April 28, 2025</p> <p>2 going to be configured as pushing ahead, with an</p> <p>3 overall length of 300 feet and a width of 55 feet,</p> <p>4 and the draft of the tug was 14 feet, correct?</p> <p>5 A. On here, yes.</p> <p>6 Q. When it says in block 3.5, Air draft of</p> <p>7 tug and tow, do you know whether the barge was</p> <p>8 sitting up higher or the tug would have been sitting</p> <p>9 up higher?</p> <p>10 A. The tug was much higher.</p> <p>11 Q. Okay. And then there's references to</p> <p>12 the barge loaded the forward and aft drafts, and it</p> <p>13 looks like they reported it as being slightly down by</p> <p>14 the head at 6 feet, and 5 feet at the stern; is that</p> <p>15 right?</p> <p>16 A. That's what it says on here.</p> <p>17 Q. Okay. And then -- okay. I see it now.</p> <p>18 The air draft of the cargo -- I mean, the barge was</p> <p>19 10 feet, right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. There's an indication that there</p> <p>22 was a predeparture safety meeting conducted in block</p> <p>23 5.5?</p> <p>24 A. Yes. Yep.</p> <p>25 Q. And a prearrival safety meeting?</p>	<p>1 Moore - April 28, 2025</p> <p>2 and 6.12, right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And there's a total risk score in 6.14.</p> <p>5 Do you know what resources</p> <p>6 Mr. Baldassare would have used in order to determine</p> <p>7 these risk scores?</p> <p>8 A. No, sir, I do not.</p> <p>9 Q. Is there something in the safety</p> <p>10 management system that sort of gives you risk score</p> <p>11 ranges or things that you need to consider?</p> <p>12 A. It would have to be referenced in 9.4.</p> <p>13 Q. And that's Section 9.4 of the safety</p> <p>14 management system?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. If you go back to the first page</p> <p>17 of this report, in block 1.2 it says Please attach</p> <p>18 your Rose Point voyage plan to this form. To do so,</p> <p>19 save the voyage plan to your computer and then click</p> <p>20 on the paper clip, either at the top of the form or</p> <p>21 the one on the right side.</p> <p>22 So it sounds like there's a way to</p> <p>23 create a voyage plan in Rose Point and then attach it</p> <p>24 to this document?</p> <p>25 A. Yes. You can create a -- correction.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 You can create a course in Rose Point, not</p> <p>3 necessarily a voyage plan in Rose Point.</p> <p>4 Q. So do you know whether there was a</p> <p>5 voyage plan in Rose Point for this particular voyage?</p> <p>6 A. I don't know if the courses were entered</p> <p>7 into Rose Point.</p> <p>8 Q. I mean, there's certainly a Rose Point</p> <p>9 tracking, because it's harvesting data at a -- some</p> <p>10 regular interval about the track of the voyage,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. But this voyage plan from Rose</p> <p>14 Point sounds like a separate document that can be</p> <p>15 created -- that needs to be created before you set</p> <p>16 out, right?</p> <p>17 A. Not to my knowledge. I don't -- it</p> <p>18 could be the verbiage is different or I've never seen</p> <p>19 a Rose Point independent of -- sorry, correction.</p> <p>20 I've never seen a voyage plan independent on Rose</p> <p>21 Point.</p> <p>22 Q. The Helm system anticipates there will</p> <p>23 be one, though, right?</p> <p>24 A. On here, yes.</p> <p>25 Q. And is that provided for your safety</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Yes.</p> <p>3 Q. -- in Helm, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And this one's not filled out. So you</p> <p>6 can see, I think, all the ones that showed where</p> <p>7 something is required or not required, right?</p> <p>8 A. Yes.</p> <p>9 Q. And it is pages 000898 through 906.</p> <p>10 On the second page of this exhibit under</p> <p>11 block 1.13 where it says Lookout --</p> <p>12 A. Yes, sir.</p> <p>13 Q. -- that's a -- looks like it's a -- you</p> <p>14 have to check one of those boxes. It's required,</p> <p>15 right?</p> <p>16 A. Yep.</p> <p>17 Q. If you check yes, does it open any</p> <p>18 further drop-down, like you have to pick who was the</p> <p>19 lookout?</p> <p>20 A. I don't know off the top of my head.</p> <p>21 Q. Or would it give you any way in which it</p> <p>22 would identify a specific time that the lookout was</p> <p>23 on watch?</p> <p>24 A. I don't know. I'd have to look into it.</p> <p>25 Q. And on the second to last page, 905,</p>
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<p>1 Moore - April 28, 2025</p> <p>2 management system?</p> <p>3 A. What the Rose Point would provide you is</p> <p>4 the courses, the weigh points, and any restrictions</p> <p>5 to drafts and whatnot. So you can interpolate that</p> <p>6 as a voyage plan if you add additional other</p> <p>7 information to it.</p> <p>8 Q. All right.</p> <p>9 MR. CHAPMAN: She needs to go off the</p> <p>10 record, and everybody needs to take a break.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. RODGERS: Great.</p> <p>13 THE VIDEOGRAPHER: We are going off the</p> <p>14 record. The time is 6:50 p.m.</p> <p>15 (There was a recess taken.)</p> <p>16 THE VIDEOGRAPHER: Beginning Media No.</p> <p>17 6. We are back on the record. The time is 6:59</p> <p>18 p.m.</p> <p>19 MR. CHAPMAN: Would you mark this as the</p> <p>20 next exhibit, please.</p> <p>21 (Exhibit 35, Master's Daily Report,</p> <p>22 marked for identification, as of this date.)</p> <p>23 Q. You've been passed Exhibit 35,</p> <p>24 Mr. Moore, which looks like the standard form for the</p> <p>25 daily vessel reporting for the MACKENZIE ROSE --</p>	<p>1 Moore - April 28, 2025</p> <p>2 under Section 5.3 of this form, it says If a</p> <p>3 prebridge transit or lock transit meeting was</p> <p>4 conducted, check Done, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. So I guess it's either yes or no. It</p> <p>7 doesn't look like it's required on this form, though?</p> <p>8 A. It is not.</p> <p>9 Q. Okay. So if you don't check it, it just</p> <p>10 stays blank?</p> <p>11 A. As far as I know.</p> <p>12 Q. Okay. And if you do check it, it just</p> <p>13 says yes, we had one or it was done?</p> <p>14 A. I don't know what the -- what the icon</p> <p>15 would look like.</p> <p>16 Q. So there's a section in Helm on Bridge</p> <p>17 Transit that requires a pretransit meeting or</p> <p>18 conversation around transit and bridges, isn't there?</p> <p>19 A. I would have to reference. There's a</p> <p>20 predeparture and a prearrival.</p> <p>21 Q. But there's a separate section on bridge</p> <p>22 transits?</p> <p>23 A. There is a separate section on bridge</p> <p>24 transits.</p> <p>25 Q. That requires you to do that, right?</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. I would have to look at it, but...</p> <p>3 Q. But the only way you track whether it</p> <p>4 was done is if the master checks this box, right?</p> <p>5 A. I -- yes.</p> <p>6 Q. And that's part of your safety</p> <p>7 management system?</p> <p>8 A. Yep.</p> <p>9 MR. CHAPMAN: Would you mark that as 36,</p> <p>10 please.</p> <p>11 (Exhibit 36, Master's Daily Report,</p> <p>12 marked for identification, as of this date.)</p> <p>13 Q. You've been handed Exhibit 36, which</p> <p>14 consists of Carver 000001 to 24, which I think are</p> <p>15 the reports -- the daily reports from June 12th</p> <p>16 of '24 through June 16th of '24.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Excuse me. I think it actually goes --</p> <p>19 only goes through June 15th of 2024 --</p> <p>20 A. Yes, it does.</p> <p>21 Q. -- not the 16th.</p> <p>22 So these are the forms that are actually</p> <p>23 filled out over that time period.</p> <p>24 And so if you look at page 19 --</p> <p>25 A. Okay.</p>	<p>1 Moore - April 28, 2025</p> <p>2 decide lookouts or not.</p> <p>3 MR. RODGERS: What section was that?</p> <p>4 Sorry.</p> <p>5 MR. CHAPMAN: 1.13.</p> <p>6 THE WITNESS: It's on 20.</p> <p>7 MR. CHAPMAN: Yeah, page 20.</p> <p>8 MR. RODGERS: On 6/15/24, right?</p> <p>9 MR. CHAPMAN: Yeah.</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. RODGERS: Okay. Got you.</p> <p>12 Q. So from Carver's perspective, it's</p> <p>13 completely up to the captain's discretion or whoever</p> <p>14 the officer of the watch is whether to post a</p> <p>15 lookout, right?</p> <p>16 MR. RODGERS: Objection to form.</p> <p>17 You can answer.</p> <p>18 A. Captain has ultimate -- overall</p> <p>19 authority of the vessel.</p> <p>20 Q. I realize that. I'm just -- but my</p> <p>21 question is it's -- Carver is basically saying it's</p> <p>22 the captain's discretion whether to have a lookout</p> <p>23 posted during --</p> <p>24 A. I would have to --</p> <p>25 Q. -- that transit?</p>
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<p>1 Moore - April 28, 2025</p> <p>2 Q. -- this is the one for the 15th, and it</p> <p>3 looks like it was filled out by Captain Miller at</p> <p>4 2355 hours.</p> <p>5 A. Yes, sir.</p> <p>6 Q. That would have been probably the tail</p> <p>7 end of his second watch --</p> <p>8 A. Yes.</p> <p>9 Q. -- right?</p> <p>10 And if you look in block 1.13 on page</p> <p>11 20, it's just -- the Lookout is N/A, not applicable?</p> <p>12 A. Yes.</p> <p>13 Q. So the options are yes, no, not</p> <p>14 applicable, right?</p> <p>15 A. Correct.</p> <p>16 Q. So you're transiting four bridges from</p> <p>17 Coastal Precast Systems down to the sea buoy.</p> <p>18 Why is there no lookout for those? Why</p> <p>19 is it not applicable?</p> <p>20 MR. RODGERS: Objection.</p> <p>21 A. It's not restrictive visibility.</p> <p>22 Q. That's the only reason?</p> <p>23 A. It's up to the captain's discretion. If</p> <p>24 there's congestion, if there's recreational vessels.</p> <p>25 There's multiple things. It's up to the captain to</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. I would have to reference the SMS for</p> <p>3 any lookout particulars, but yes, it would be up to</p> <p>4 the captain or the officer on the watch.</p> <p>5 MR. CHAPMAN: Would you mark that as the</p> <p>6 next exhibit, please. I think it's 37.</p> <p>7 (Exhibit 37, Master's Daily Report Log,</p> <p>8 marked for identification, as of this date.)</p> <p>9 Q. So Mr. Moore, you've been handed</p> <p>10 Exhibit 37, which is Carver 156 through -- I think</p> <p>11 it's 160? Check the last page there.</p> <p>12 A. Yes.</p> <p>13 Q. Might be 161, but --</p> <p>14 A. 161.</p> <p>15 Q. Okay. So that looks to me to be</p> <p>16 virtually identical to the one that begins on</p> <p>17 Exhibit 36, beginning at page 19.</p> <p>18 You can pull 36 out and look at page 19</p> <p>19 of Exhibit 36.</p> <p>20 A. Page 19?</p> <p>21 Q. Yeah.</p> <p>22 A. Okay.</p> <p>23 Q. You see that?</p> <p>24 All of the information looks the same</p> <p>25 with one exception, and that is in the filled block</p>

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<p style="text-align: right;">Page 334</p> <p>1 Moore - April 28, 2025</p> <p>2 at the top of the form, it's the same date, but</p> <p>3 there's a difference of one hour.</p> <p>4 The one in Exhibit 36 is at 2355 hours,</p> <p>5 and the one in Exhibit 37 is at 2255 hours.</p> <p>6 Is there a way to submit duplicate</p> <p>7 reports in this Helm system?</p> <p>8 A. Not that -- not to my knowledge.</p> <p>9 Q. Is there a reason that you know of that</p> <p>10 there would be a second report that appears to be</p> <p>11 dated an hour earlier?</p> <p>12 A. No, I do not know.</p> <p>13 Q. Once a report is submitted, can the</p> <p>14 timing -- can the reference to the time of the report</p> <p>15 be changed in any way?</p> <p>16 A. Until the captain closes it out, you</p> <p>17 can -- once he signs off on it for the day, you can</p> <p>18 enter as needed.</p> <p>19 Q. You mean until he signs off on it?</p> <p>20 A. Yeah, correct.</p> <p>21 Q. Okay.</p> <p>22 A. But I don't know how -- I don't know how</p> <p>23 the time stamps would be different on that one.</p> <p>24 Q. Okay.</p> <p>25 MR. CHAPMAN: Mark this as 38, please.</p>	<p style="text-align: right;">Page 336</p> <p>1 Moore - April 28, 2025</p> <p>2 Coast Guard is short on manpower. So years ago when</p> <p>3 they initiated Subchapter M, they designated</p> <p>4 third-party options. One could be either Coast Guard</p> <p>5 approval; one would be American Bureau of Shipping;</p> <p>6 another one could be Towing Vessel Inspection Bureau.</p> <p>7 I'm not sure if there's other ones, but there's other</p> <p>8 third-party organizations that inspect the vessels</p> <p>9 due to the Coast Guard's manpower shortage.</p> <p>10 Q. So this outfit, Towing Vessel Inspection</p> <p>11 Bureau, is the one that has actually inspected the</p> <p>12 vessel?</p> <p>13 A. Yes. The Coast Guard has the option to</p> <p>14 call upon the vessel, but yes, TVIB was the</p> <p>15 inspectors.</p> <p>16 Q. So you have a certificate issued by the</p> <p>17 Towing Vessel Inspection Bureau?</p> <p>18 A. Somewhere there must be, yes. I would</p> <p>19 have to reference it, pull it up.</p> <p>20 Q. It sounds like it would have been</p> <p>21 submitted to the Coast Guard?</p> <p>22 A. Well, the Coast Guard -- yes.</p> <p>23 Correction. It -- so the Coast Guard receives the</p> <p>24 inspection report from TVIB, and then once they</p> <p>25 approve that inspection report, the Coast Guard</p>
<p style="text-align: right;">Page 335</p> <p>1 Moore - April 28, 2025</p> <p>2 (Exhibit 38, Certificate of Inspection,</p> <p>3 marked for identification, as of this date.)</p> <p>4 Q. Mr. Moore, I believe this is the</p> <p>5 Certificate of Inspection for the MACKENZIE ROSE --</p> <p>6 A. Yes, sir.</p> <p>7 Q. -- numbered Carver 000792 through 794,</p> <p>8 correct?</p> <p>9 A. Yes, it is.</p> <p>10 Q. And this is the one that was in effect</p> <p>11 when the allision occurred, right?</p> <p>12 A. Yep.</p> <p>13 Q. So if you look on page 2, about the</p> <p>14 middle of the page, it begins with the statement This</p> <p>15 vessel has been certificated in accordance with the</p> <p>16 Towing Safety Management System (TSMS) option</p> <p>17 utilizing the external survey program. The Towing</p> <p>18 Vessel Inspection Bureau is the approved third-party</p> <p>19 organization. The TSMS certificate number associated</p> <p>20 with this vessel is CMT-2018-99.</p> <p>21 Where do we find that document?</p> <p>22 A. We would have to get it from the Towing</p> <p>23 Vessel Inspection Bureau, TVIB.</p> <p>24 Q. And who are they?</p> <p>25 A. They're similar to -- correction. So</p>	<p style="text-align: right;">Page 337</p> <p>1 Moore - April 28, 2025</p> <p>2 issues out the certificate of inspections.</p> <p>3 Q. And when this COI, certificate of</p> <p>4 inspection, was last issued, were there any</p> <p>5 requirements that the Coast Guard imposed or the</p> <p>6 Towing Vessel Inspection Bureau imposed that you had</p> <p>7 to -- required some correction of the vessel before a</p> <p>8 certificate would be issued?</p> <p>9 A. No. They won't issue a COI with any</p> <p>10 open items.</p> <p>11 Q. But they would notify you what the open</p> <p>12 items are --</p> <p>13 A. Correct, yes.</p> <p>14 Q. -- right?</p> <p>15 And that was -- my question is were</p> <p>16 there any?</p> <p>17 A. That was before my time. I wasn't aware</p> <p>18 of any.</p> <p>19 MR. CHAPMAN: Would you mark this as the</p> <p>20 next exhibit, please.</p> <p>21 (Exhibit 39, Letter dated June 20, 2024,</p> <p>22 marked for identification, as of this date.)</p> <p>23 Q. Mr. Moore, you've been handed</p> <p>24 Exhibit 39 --</p> <p>25 A. Correct.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 Q. -- to the deposition, which is a letter</p> <p>3 that I sent to Mr. Nick Laraway dated June 20, 2024,</p> <p>4 and it shows a copy to you on page 2.</p> <p>5 A. Okay.</p> <p>6 Q. So is that your e-mail at Carver?</p> <p>7 A. Yes.</p> <p>8 Q. So do you recall receiving this letter?</p> <p>9 A. I don't recall it, but I've seen it.</p> <p>10 Q. It was asking you to preserve -- asking</p> <p>11 Mr. Laraway to preserve information that might</p> <p>12 otherwise be lost, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. Did you do anything in response</p> <p>15 to it to preserve any of the requested information?</p> <p>16 A. I did not do anything in particular.</p> <p>17 Q. Do you know whether Mr. Laraway did?</p> <p>18 A. No, I don't know what Mr. Laraway did,</p> <p>19 either.</p> <p>20 Q. And it specifically requests around</p> <p>21 preserving texts, e-mails, voicemails and messaging</p> <p>22 service communications.</p> <p>23 You told us that the phone that you had</p> <p>24 at the time you since replaced --</p> <p>25 A. Yes.</p>	<p>1 Moore - April 28, 2025</p> <p>2 demand this, and we then produce, and -- you</p> <p>3 know, you're not entitled to do this, because it</p> <p>4 actually impedes on what his former lawyer asked</p> <p>5 him to do or we asked him to do. And that's</p> <p>6 attorney-client privilege, until the court tells</p> <p>7 us otherwise.</p> <p>8 MR. CHAPMAN: So --</p> <p>9 MR. RODGERS: We're not here to have a</p> <p>10 hearing on preservation. It's not fair to the</p> <p>11 witness, and I don't think it's appropriate, to</p> <p>12 be honest. So I'm not going to have him answer</p> <p>13 whether he or Carver actually complied with your</p> <p>14 letter. You're not his attorney, and you sent</p> <p>15 it directly to a party, and whether or not you</p> <p>16 knew who the attorney was is beside the point.</p> <p>17 If you find out later that there's been things</p> <p>18 that weren't preserved, then you make your</p> <p>19 motion.</p> <p>20 MR. CHAPMAN: And I'm testing right now</p> <p>21 what was preserved.</p> <p>22 MR. RODGERS: Well, I'm going to tell</p> <p>23 him not to answer to anything that has to do</p> <p>24 with this letter. You've asked him if he</p> <p>25 preserved things during this deposition, and he</p>
<p>1 Moore - April 28, 2025</p> <p>2 Q. -- right?</p> <p>3 So were the texts, e-mails, voicemails,</p> <p>4 or other messages on that device preserved before you</p> <p>5 got rid of it?</p> <p>6 A. It would still be a cloud-based backup</p> <p>7 for the iCloud, which is an iPhone. So I'm not sure.</p> <p>8 I -- correction.</p> <p>9 MR. RODGERS: Just --</p> <p>10 A. Let me --</p> <p>11 MR. RODGERS: -- hold on, hold on, hold</p> <p>12 on.</p> <p>13 Is there a reason this was sent to</p> <p>14 Mr. Laraway and not Carver's attorneys?</p> <p>15 MR. CHAPMAN: Yeah. I wasn't aware that</p> <p>16 they had counsel at the time.</p> <p>17 MR. RODGERS: Well, I don't -- I don't</p> <p>18 want him to discuss anything that has to do with</p> <p>19 what they did to preserve. That's not</p> <p>20 appropriate.</p> <p>21 MR. CHAPMAN: I'm --</p> <p>22 MR. RODGERS: I understand the letter.</p> <p>23 MR. CHAPMAN: -- I'm entitled to ask him</p> <p>24 what he did.</p> <p>25 MR. RODGERS: No. You're entitled to</p>	<p>1 Moore - April 28, 2025</p> <p>2 answered you whether he thought they had it or</p> <p>3 whatever, but not to this letter. This is</p> <p>4 not -- this is not appropriate.</p> <p>5 MR. CHAPMAN: Are you done?</p> <p>6 MR. RODGERS: Not really, but you can</p> <p>7 go.</p> <p>8 Q. So you said that you had preserved</p> <p>9 things in the cloud. Is that your Apple iCloud</p> <p>10 account?</p> <p>11 A. Yeah. I -- so I didn't -- I didn't</p> <p>12 specifically back it up to there, but I would -- I'd</p> <p>13 not say assume, because it's bad thing, but when you</p> <p>14 transfer it over, it would be done through AT&T or</p> <p>15 whoever.</p> <p>16 Q. When was your first contact with an</p> <p>17 attorney representing Carver in connection with the</p> <p>18 allision?</p> <p>19 A. I believe it was with Travelers</p> <p>20 directly, and then until they assigned Chris Abel.</p> <p>21 Q. When did that occur?</p> <p>22 A. I don't remember off the top of my head.</p> <p>23 Q. If you could turn to the last page of</p> <p>24 this exhibit.</p> <p>25 A. Yep.</p>

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<p style="text-align: right;">Page 342</p> <p>Moore - April 28, 2025</p> <p>Q. Have you seen this photograph before?</p> <p>A. Yes. After the fact, yes.</p> <p>Q. Obviously, this was taken from the land side?</p> <p>A. Yes, sir.</p> <p>Q. Okay. Did you have this photograph before you submitted the report to the Coast Guard?</p> <p>A. No.</p> <p>Q. You didn't see it before then?</p> <p>A. No, sir.</p> <p>MR. RODGERS: Is that not the normal way the track moves? A little bit of a roller coaster.</p> <p>Q. Are there any written materials, manuals or handbooks, that are given to new hires at the towing company?</p> <p>A. I would have to refer to HR. Once issued out, there's an employee benefits guide, and I don't exactly remember what else is issued out, if anything.</p> <p>Q. Is there anything provided to them in the nature of the marine work that they're going to be doing?</p> <p>A. No.</p>	<p style="text-align: right;">Page 344</p> <p>Moore - April 28, 2025</p> <p>A. I would have to reference the SMS, but yes, it -- that form is in Helm.</p> <p>Q. And who completes that form?</p> <p>A. The onboard captain or mate or designated crew member giving the orientation.</p> <p>Q. And is there any sort of oversight of that process, somebody ensures that it was done, before people are allowed to sail on one of your tugs?</p> <p>A. I would have to reference it, but I believe it auto populates once a new crew member is assigned to that vessel.</p> <p>Q. And it's -- but it's overseen by either the master or the mate --</p> <p>A. Correct, yes.</p> <p>Q. -- on the vessel?</p> <p>A. Yes, sir.</p> <p>Q. So can the deckhands access the safety management system?</p> <p>A. Yes, they should be able to.</p> <p>Q. How do they do that?</p> <p>A. Through the wheelhouse computer.</p> <p>Q. So the only access on the vessel is in the wheelhouse on the laptop in there?</p>
<p style="text-align: right;">Page 343</p> <p>Moore - April 28, 2025</p> <p>Q. Like a safety rule book or that sort of thing?</p> <p>A. No. They're to review the SMS on vessel orientation.</p> <p>Q. So when you say review the SMS, can you tell us what's involved with a new hire doing that.</p> <p>A. They -- the onboard captain or mate or whoever the assigned person is, whenever it's a -- either a new deckhand to another captain, they go through the motions of inspecting the vessel, make sure all the -- they know where all the safety equipment is; and then I believe also on there is where to reference the SMS and login to access it. But I would have to look at the onboarding sheets to be more accurate.</p> <p>Q. So there's -- is that a Helm sheet, onboarding sheet?</p> <p>A. Yes, correct. Yes, sir.</p> <p>Q. Okay. It would tell you something about the orientation training that they got?</p> <p>A. Yes.</p> <p>Q. All right. And that would be something provided for in your safety management system, what they're supposed to be trained on?</p>	<p style="text-align: right;">Page 345</p> <p>Moore - April 28, 2025</p> <p>A. Yes, because that's the most updated -- the most updated document control.</p> <p>Q. So if a deckhand wanted to enter a complaint about how a master was either treating him or some concern that he didn't feel like was being sufficiently addressed, is there a system for that in Carver to -- that they can make a complaint and not be treated like a whistleblower or something like that?</p> <p>A. Right. So they have -- every crew member is issued at the stop work authority, so they can, you know, voice their opinion to whomever there.</p> <p>The role is a designated person ashore is also to be the middleman from the crew member to another manager or sorts, where I would -- or whomever the DPA is at the time, would go through it, hear them out, and then steer it in the right avenue. It's through HR or if it's through engineering or if it's through deck operations. So that's me falling under DPA, and then HR also is very open on having an open door policy with HR.</p> <p>Q. So it sounds like there's a pretty, I'll say, robust policy about making sure people have their say around stop work or safety issues, that</p>

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<p>1 Moore - April 28, 2025</p> <p>2 sort of thing --</p> <p>3 A. Yes, sir.</p> <p>4 Q. -- right?</p> <p>5 And is that monitored or kind of</p> <p>6 supervised in some way?</p> <p>7 A. I don't have the knowledge on that one,</p> <p>8 how it would be monitored.</p> <p>9 Q. Do you have any input into it or have</p> <p>10 any oversight on it?</p> <p>11 A. I've never gotten any calls, e-mails, or</p> <p>12 any purpose to utilize that from any deckhand or crew</p> <p>13 members or anybody. So HR would have the best</p> <p>14 insight on that.</p> <p>15 Q. So it might have happened, and it went</p> <p>16 through HR or something and you weren't dialed into</p> <p>17 it?</p> <p>18 A. It is possible.</p> <p>19 Q. For these new hires, are there any</p> <p>20 testing that's done to, you know, ensure that they</p> <p>21 know how to perform the duties on the tug before</p> <p>22 they're allowed to serve?</p> <p>23 A. Before there is the -- I would have the</p> <p>24 right -- I don't know off the top of my head. It's</p> <p>25 in the SMS, but there are forms for crew members to</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. -- right?</p> <p>3 Can any data be downloaded from the auto</p> <p>4 pilot?</p> <p>5 A. Not by -- not that I know of.</p> <p>6 Q. Did you have any technicians come in and</p> <p>7 determine whether it could be downloaded to --</p> <p>8 A. I do believe we did ask Ayers after the</p> <p>9 fact and GMT, and they -- I would have to reference</p> <p>10 that one with Lenny, but I believe they both said</p> <p>11 they couldn't, or none that I knew of.</p> <p>12 Q. Did you talk to them personally?</p> <p>13 A. No, sir.</p> <p>14 Q. You believe Mr. Baldassare did?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. Did he report to you that he had?</p> <p>17 A. I remember it coming up in conversation</p> <p>18 by way of counsel requests probably, to see if we can</p> <p>19 get more data on it.</p> <p>20 Q. Do you know who he spoke with at either</p> <p>21 Ayers or Mackay?</p> <p>22 A. I do not.</p> <p>23 Q. Is there any sort of, I'll call it, a</p> <p>24 ride-along procedure where somebody's a new hire, or</p> <p>25 maybe they're not even a new hire, but they've been</p>
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<p>1 Moore - April 28, 2025</p> <p>2 get signed off on assessments.</p> <p>3 Q. Who does the assessment?</p> <p>4 A. A senior captain or a -- some sort of</p> <p>5 the port captain role.</p> <p>6 Q. And is lookout training part of that</p> <p>7 process?</p> <p>8 A. Not that I'm aware of.</p> <p>9 Q. Is bridge transiting part of that</p> <p>10 process?</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. During the investigation you did before</p> <p>13 submitting the report to the Coast Guard, did you</p> <p>14 determine that the auto pilot system was actually</p> <p>15 engaged during the transit that led to the allision?</p> <p>16 A. I didn't -- I couldn't identify it, if</p> <p>17 it was actually engaged or not. I don't know if</p> <p>18 there's a report that auto pilot system produces or</p> <p>19 not.</p> <p>20 Q. You just know what Captain Morrissey</p> <p>21 told you?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Or what Captain Morrissey said, whether</p> <p>24 it was to you or others --</p> <p>25 A. Yes, sir.</p>	<p>1 Moore - April 28, 2025</p> <p>2 with the company for some period of time and somebody</p> <p>3 rides along, just to sort of keep an eye on them and</p> <p>4 making sure that they're doing what they're supposed</p> <p>5 to, that sort of thing?</p> <p>6 A. Yes. There's forms in Helm for</p> <p>7 navigation assessments that are done by senior</p> <p>8 captains, port captains or somebody of that level.</p> <p>9 Q. And they would actually accompany the</p> <p>10 vessel on a voyage --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- to do that?</p> <p>13 A. Yeah.</p> <p>14 Q. So is there somebody specific in the</p> <p>15 Carver Marine Towing organization that typically does</p> <p>16 that?</p> <p>17 A. It was always performed by a senior</p> <p>18 captain or a port captain.</p> <p>19 Q. You mentioned a guy who was a senior</p> <p>20 captain, and I don't recall his name now, but is he</p> <p>21 one of those senior captains?</p> <p>22 A. He would be, yes, one of them.</p> <p>23 Q. Are there others?</p> <p>24 A. At the time, there was one. Now we have</p> <p>25 two work -- I call them working port captains.</p>

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<p style="text-align: right;">Page 350</p> <p>1 Moore - April 28, 2025</p> <p>2 Q. So it would be one or the other?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So who's the other guy?</p> <p>5 A. Mark Pearson.</p> <p>6 Q. Mark Pearson?</p> <p>7 A. Yes. He's the guy you referenced</p> <p>8 before, earlier.</p> <p>9 Q. Oh, I apologize. I thought Pearson was</p> <p>10 the only one. You've -- but you've since hired</p> <p>11 somebody else?</p> <p>12 A. I have -- we transitioned another one,</p> <p>13 Adam Clark, who has also been with the company for a</p> <p>14 while, but he was sailing as captain. And a few</p> <p>15 months ago, we escalated him up to a working port</p> <p>16 captain. So still sails actively, opposite of</p> <p>17 Captain Mark Pearson.</p> <p>18 Q. And I'm sorry. I -- you said his name</p> <p>19 and it -- what was it again?</p> <p>20 A. Adam Clark.</p> <p>21 Q. Adam Clark?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is Clark with an E?</p> <p>24 A. C-L-A-R-K.</p> <p>25 Q. And how frequently are those, I'll call</p>	<p style="text-align: right;">Page 352</p> <p>1 Moore - April 28, 2025</p> <p>2 bridges?</p> <p>3 A. No, I'm not.</p> <p>4 Q. What's the purpose of having an auto</p> <p>5 pilot on the MACKENZIE ROSE?</p> <p>6 MR. RODGERS: Objection. He's not an</p> <p>7 expert.</p> <p>8 You can testify if you know.</p> <p>9 A. I honestly don't know the purpose of it,</p> <p>10 besides holding course.</p> <p>11 Q. Can an auto pilot system adjust for</p> <p>12 changes in either river current or the drift of the</p> <p>13 barge or make course corrections on its own?</p> <p>14 A. I --</p> <p>15 MR. RODGERS: He's not -- again, he's</p> <p>16 not here as an expert, but he can testify as to</p> <p>17 his own understanding.</p> <p>18 A. I don't know. I've not come across</p> <p>19 that.</p> <p>20 Q. I'm sorry. You've not come across an</p> <p>21 auto pilot system that can do any of those things?</p> <p>22 A. That can course --</p> <p>23 Q. Correct.</p> <p>24 A. -- can change course on your own? No.</p> <p>25 We -- in the tug and barge world, that's not a common</p>
<p style="text-align: right;">Page 351</p> <p>1 Moore - April 28, 2025</p> <p>2 them, ride-alongs?</p> <p>3 A. Oh. They're performed annually, at</p> <p>4 minimum.</p> <p>5 Q. And is there a report in Helm that gets</p> <p>6 filled out for those?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What's that called?</p> <p>9 A. I would have to reference it, but I</p> <p>10 believe it's called Navigation Assessment.</p> <p>11 Q. And it -- does it have its like own</p> <p>12 section in the safety management system?</p> <p>13 A. It has its own section in forms, under</p> <p>14 Helm.</p> <p>15 Q. Okay. Has the company ever disciplined</p> <p>16 anyone for failing to comply with your safety</p> <p>17 procedures related to bridge transits?</p> <p>18 A. Not that I'm aware of.</p> <p>19 Q. What about lookout postings?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. What about use of the auto pilot?</p> <p>22 A. Also, not that I'm aware of.</p> <p>23 Q. Are you aware of any best practices in</p> <p>24 the towing industry that recommend disengaging auto</p> <p>25 pilots when transiting near fixed objects like</p>	<p style="text-align: right;">Page 353</p> <p>1 Moore - April 28, 2025</p> <p>2 thing.</p> <p>3 Q. Okay. So is it a common thing that the</p> <p>4 auto pilot, for whatever reason, will cause the</p> <p>5 rudders to go hard over?</p> <p>6 MR. RODGERS: Objection.</p> <p>7 A. I've never -- I've never had that occur</p> <p>8 in my history of sailing.</p> <p>9 Q. You're talking about your own --</p> <p>10 A. Yes.</p> <p>11 Q. -- history of operating towing vessels,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you never experienced that?</p> <p>15 A. No, sir.</p> <p>16 Q. So you would say it's not normal, in</p> <p>17 your experience?</p> <p>18 MR. RODGERS: Well, he just--</p> <p>19 A. Correct.</p> <p>20 MR. RODGERS: His testimony was that he</p> <p>21 didn't experience it. Not normal to him.</p> <p>22 THE WITNESS: It's not normal to me,</p> <p>23 correct.</p> <p>24 MR. RODGERS: Is that fair?</p> <p>25 THE WITNESS: Yes.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 MR. RODGERS: All right. Sorry. I</p> <p>3 don't want to put anything out there.</p> <p>4 Q. Does safely transiting under bridges</p> <p>5 require any specific training beyond general vessel</p> <p>6 handling?</p> <p>7 A. No, sir.</p> <p>8 Q. So anyone that can handle a vessel</p> <p>9 shouldn't have any problem getting a vessel under a</p> <p>10 bridge?</p> <p>11 A. It all depends on the size of the bridge</p> <p>12 opening, but there's -- it's a common -- it's very</p> <p>13 common in the industry, so it's not an</p> <p>14 abnormal event.</p> <p>15 Q. Are you aware of any industry or best</p> <p>16 practices that recommend posting additional lookouts</p> <p>17 when transiting under bridges?</p> <p>18 A. No, sir, I'm not.</p> <p>19 Q. Is it consistent with good seamanship to</p> <p>20 rely on an auto pilot while approaching a bridge?</p> <p>21 MR. RODGERS: Objection. He's not here</p> <p>22 as an expert witness.</p> <p>23 A. It's up to the offshore and the watch</p> <p>24 and their judgment.</p> <p>25 Q. In your experience -- just talking about</p>	<p>1 Moore - April 28, 2025</p> <p>2 Q. So my question was would you expect a</p> <p>3 properly trained crew to avoid striking a stationary</p> <p>4 object like a bridge?</p> <p>5 (DIR)</p> <p>6 MR. RODGERS: Objection. That's</p> <p>7 harassing the witness.</p> <p>8 Don't answer that.</p> <p>9 A. I've --</p> <p>10 MR. RODGERS: I said don't --</p> <p>11 A. Yeah, I would -- I --</p> <p>12 MR. RODGERS: Don't answer that. That</p> <p>13 means don't answer that. Nothing.</p> <p>14 MR. CHAPMAN: So your --</p> <p>15 MR. RODGERS: Directing the witness not</p> <p>16 to answer.</p> <p>17 MR. CHAPMAN: So your instruction is not</p> <p>18 to answer?</p> <p>19 MR. RODGERS: I'm directing the witness,</p> <p>20 yes, not to answer whether it's good policy to</p> <p>21 hit a bridge.</p> <p>22 MR. CHAPMAN: So I don't have any</p> <p>23 further questions at this time. I'm reserving</p> <p>24 my right, as the judge provided, with respect to</p> <p>25 any documents that you guys produce within the</p>
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<p>1 Moore - April 28, 2025</p> <p>2 your experience -- have you transited bridges while</p> <p>3 on auto pilot?</p> <p>4 MR. RODGERS: Objection.</p> <p>5 A. It's been a while. I would have to</p> <p>6 recall it, but I've used both auto pilots, enhanced</p> <p>7 steering in all different areas of the Atlantic</p> <p>8 seaboard.</p> <p>9 Q. And so you're saying that you actually</p> <p>10 have used auto pilot when transiting bridges?</p> <p>11 MR. RODGERS: Objection.</p> <p>12 A. No, I -- not that I recall.</p> <p>13 Q. Has it ever been company policy while</p> <p>14 you have been general manager at Carver to require a</p> <p>15 dedicated lookout while transiting bridges?</p> <p>16 A. No, sir, not that I know of. Not that</p> <p>17 I'm aware of.</p> <p>18 Q. Would you expect a properly trained crew</p> <p>19 to avoid hitting a bridge or alliding a bridge?</p> <p>20 MR. RODGERS: Objection. Objection.</p> <p>21 It's 7:40 at night, and now you're just</p> <p>22 fishing. You're repeating the same question</p> <p>23 about auto pilot, which would be fine at ten</p> <p>24 o'clock in the morning, but I still have some</p> <p>25 questions.</p>	<p>1 Moore - April 28, 2025</p> <p>2 timeframe he allowed at the hearing on Friday.</p> <p>3 MR. RODGERS: Yeah, I -- that's fine. I</p> <p>4 just want to put on the record we'd like any</p> <p>5 followup to be virtual or here, or at least me</p> <p>6 and the witness here, if you want to Zoom from</p> <p>7 Norfolk, but we can work that out.</p> <p>8 Are you going to put -- you didn't make</p> <p>9 any demands to counsel. Are you going to put</p> <p>10 the stuff in writing that you were asking him</p> <p>11 for, like soon?</p> <p>12 MR. CHAPMAN: Yeah. I'll just --</p> <p>13 MR. RODGERS: Or is Mackenzie going to</p> <p>14 do it?</p> <p>15 MR. CHAPMAN: I think we've previously</p> <p>16 done that, but to the extent that --</p> <p>17 MR. RODGERS: Oh, you think that --</p> <p>18 MR. CHAPMAN: -- to the extent there's</p> <p>19 something else that came up in this deposition,</p> <p>20 yes --</p> <p>21 MR. RODGERS: Okay.</p> <p>22 MR. CHAPMAN: -- we will.</p> <p>23 MR. NANAVATI: Again, this is Mark</p> <p>24 Nanavati. I tried to keep a list of things that</p> <p>25 came up during the deposition that I think might</p>

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<p>1 Moore - April 28, 2025</p> <p>2 be new. I shot them to you, and we can talk</p> <p>3 about it and make sure I got it right and send</p> <p>4 it to them and see what we can get.</p> <p>5 MR. RODGERS: I can't hear. What did he</p> <p>6 say?</p> <p>7 MR. CHAPMAN: I think he was saying --</p> <p>8 MR. NANAVATI: I said I put together a</p> <p>9 list of things --</p> <p>10 MR. RODGERS: I don't know who that is.</p> <p>11 Who is that?</p> <p>12 MR. CHAPMAN: Nanavati.</p> <p>13 MR. RODGERS: Oh, Mark. Okay. What is</p> <p>14 he saying?</p> <p>15 MR. NANAVATI: You guys were talking</p> <p>16 about documents that may have come up during the</p> <p>17 deposition. I tried to make a list during the</p> <p>18 course. I said I'll send them to Jim so we can</p> <p>19 review them and get that list to you.</p> <p>20 MR. RODGERS: Okay. Thanks.</p> <p>21 All right. I just have some follow-up</p> <p>22 questions.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. RODGERS: Only should take two</p> <p>25 hours. No. You're not laughing.</p>	<p>1 Moore - April 28, 2025</p> <p>2 So I'm asking you to the extent that these two are</p> <p>3 connected.</p> <p>4 There's a daily log, April 1st, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And at 9:34, it says 9.2 Near Miss</p> <p>7 Report.</p> <p>8 Do you see?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And that was before Ayers came on board</p> <p>11 to do their work, correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. And then just assuming for this</p> <p>14 deposition that Exhibit 30, a near miss report which</p> <p>15 has a receipt date I guess by you, 4/19/2024, right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Assuming that that relates back to 4/1,</p> <p>18 April 1st, if you look at 1.1, Near Miss Subject, it</p> <p>19 says Loss of satellite compass. Right?</p> <p>20 A. Yes, sir.</p> <p>21 Q. It doesn't say failure of auto pilot,</p> <p>22 does it?</p> <p>23 A. No.</p> <p>24 Q. And the same with description of near</p> <p>25 miss, it says Satellite compass failed causing the</p>
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<p>1 Moore - April 28, 2025</p> <p>2 EXAMINATION BY MR. RODGERS:</p> <p>3 Q. So if you could just go to -- let me</p> <p>4 find the exhibit number. For example, Exhibit 13.</p> <p>5 A. Okay.</p> <p>6 Q. So if you look at Exhibit 13, which is</p> <p>7 Carver 79 to 82, that last document, the typewritten</p> <p>8 state -- what appears to be a typewritten statement</p> <p>9 on Carver letterhead, had you seen that before today?</p> <p>10 A. The letterhead or the statement?</p> <p>11 Q. No, the statement.</p> <p>12 A. No, I don't recall seeing these.</p> <p>13 Q. Okay. Other than what your attorneys --</p> <p>14 A. Right, correct.</p> <p>15 Q. -- you hadn't seen it before?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. But on the handwritten one, did</p> <p>18 you recall seeing it at the time of the</p> <p>19 investigation?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. All right. If you go to</p> <p>22 Exhibit 30 and 31.</p> <p>23 A. Okay.</p> <p>24 Q. So Mr. Chapman went over these two.</p> <p>25 We're not sure if they're connected, but they may be.</p>	<p>1 Moore - April 28, 2025</p> <p>2 auto pilot to go into standby and hard right to heavy</p> <p>3 seas. Correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Now, in the other ones you were shown</p> <p>6 the near miss reports, there were some where it had a</p> <p>7 subject area of 1.1 that stated auto pilot failure,</p> <p>8 right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. So would you assume that in the one</p> <p>11 that's Exhibit 30, if there was an auto pilot</p> <p>12 failure, it would say that in the 1.1 section?</p> <p>13 MR. CHAPMAN: Object to form.</p> <p>14 Q. You can answer.</p> <p>15 A. Yes, it would be stated.</p> <p>16 Q. Okay. And it's not, right?</p> <p>17 MR. CHAPMAN: Objection.</p> <p>18 A. No. Well, it would -- this one says</p> <p>19 loss of satellite compass.</p> <p>20 Q. But notwithstanding that, in -- a few</p> <p>21 days later, April 3rd, 4th and 5th, you brought in</p> <p>22 Ayers, right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. So I just want to go to Ayers'</p> <p>25 invoices, which are Exhibit 24.</p>

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<p>1 Moore - April 28, 2025</p> <p>2 A. Okay. 24.</p> <p>3 Q. If you go to the second -- it's Bates</p> <p>4 stamp -- Carver Bates stamp 249 and 250, right?</p> <p>5 You see that?</p> <p>6 A. Where am I looking at?</p> <p>7 Q. Over here. Sorry, these numbers.</p> <p>8 Those --</p> <p>9 A. Oh. Yes, sir. Yeah. Sorry, there it</p> <p>10 is.</p> <p>11 Q. Those are just for the lawyers,</p> <p>12 actually, but they're both Exhibit 24.</p> <p>13 If you go to the second page which seems</p> <p>14 to reflect a work order for April 10th and</p> <p>15 April 11th.</p> <p>16 Do you see that on the left side?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And if I'm reading it correctly,</p> <p>19 it says Updated software and auto pilot.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. And it replaced solid state relays with</p> <p>23 mechanical ones, right?</p> <p>24 A. Yes.</p> <p>25 Q. And then the technician says May have</p>	<p>1 Moore - April 28, 2025</p> <p>2 A. Okay.</p> <p>3 Q. And again, we're just assuming that</p> <p>4 Exhibit 26 is for the April -- the May 3rd date,</p> <p>5 right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, if you go to 1.1, could you read</p> <p>8 both columns.</p> <p>9 A. Lost steering rudder, hard over.</p> <p>10 Q. And to the left, what does it say?</p> <p>11 A. Oh. To the left of that is near miss</p> <p>12 subject.</p> <p>13 Q. Okay. Is there anywhere in 1.1 that it</p> <p>14 says failure of auto pilot?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. Can you read the description of</p> <p>17 1.5.</p> <p>18 A. Yeah. Description of Near Miss. While</p> <p>19 transiting southbound, the captain was entering --</p> <p>20 MR. RODGERS: You got to go a little</p> <p>21 slower for the reporter.</p> <p>22 A. -- was entering information into the</p> <p>23 electronic log, when the steering went into standby</p> <p>24 and the rudder came hard over without alarm.</p> <p>25 By the time the captain realized the</p>
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<p>1 Moore - April 28, 2025</p> <p>2 caused the -- caused issue. Right?</p> <p>3 A. Yes.</p> <p>4 Q. Was it your understanding, after Ayers</p> <p>5 put in the new software and worked on the auto pilot</p> <p>6 system on the MACKENZIE ROSE in April, that they had</p> <p>7 fixed the problem?</p> <p>8 A. Yes, sir.</p> <p>9 MR. CHAPMAN: Object to the form.</p> <p>10 Q. Okay. And if you could go to 26 and 27.</p> <p>11 A. Okay.</p> <p>12 Q. 27 is the daily log for the MACKENZIE</p> <p>13 ROSE on May 3rd, 2024, correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And if you go to the second page -- and</p> <p>16 just for the lawyers, it's -- and the reporter, it's</p> <p>17 Carver 30 through Carver 32 is Exhibit 27.</p> <p>18 If you go to the second page at 12:35,</p> <p>19 it says 9.2 Near Miss Report. Correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Now again, assuming 26, Exhibit 26,</p> <p>22 which is Carver 41 and 42, assuming that that is the</p> <p>23 near miss report for April -- for -- excuse me, for</p> <p>24 April -- May 3rd, I'm going to ask you a few</p> <p>25 questions. Okay?</p>	<p>1 Moore - April 28, 2025</p> <p>2 situation, we were steaming full ahead at the loaded</p> <p>3 barge.</p> <p>4 The captain pulled back power so that</p> <p>5 the rudder would respond, and it came away from the</p> <p>6 barge within a few feet to spare.</p> <p>7 The wire dragged on the bottom and</p> <p>8 sustained minimal damage.</p> <p>9 Q. Okay. Is there anything in that</p> <p>10 paragraph that refers to the auto pilot?</p> <p>11 A. No, sir.</p> <p>12 Q. Okay. And then Actions Taken to Prevent</p> <p>13 Repeat of Incident, 1.6, could you read that.</p> <p>14 A. Stand a diligent watch, be aware of</p> <p>15 system failures without alarms, keep equipment in</p> <p>16 work -- proper working order.</p> <p>17 Q. Okay. Is there anything in that</p> <p>18 paragraph that mentions auto pilot?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Thank you.</p> <p>21 MR. RODGERS: Now, I think that might be</p> <p>22 it, but give me a second.</p> <p>23 Okay. I have no further questions.</p> <p>24 Thank you.</p> <p>25 THE WITNESS: Okay. Very well.</p>

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MR. RODGERS: Jim?

MR. CHAPMAN: No, other than as stated
before, reserve our rights.

MR. RODGERS: Mark?

MR. NANAVATI: No, I'm good.

THE VIDEOGRAPHER: This is the end of
the video deposition of Brian Moore. The time
is 7:53 p.m.

(Time noted: 7:53 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)

) ss:

COUNTY OF WESTCHESTER)

I, LORRAINE B. ABATE, a Certified Shorthand
Reporter and Notary Public of the State of New York
and Registered Professional Reporter, do hereby
certify the foregoing to be a true and accurate
transcript of my original stenographic notes taken of
Brian Moore at the time and place hereinbefore set
forth.

I further certify that I am not related, by
blood or marriage, to any of the parties in this
matter and that I am in no way interested in the
outcome of this matter.

Dated: May 9, 2025



LORRAINE B. ABATE, CSR, RPR

License No. 000965

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